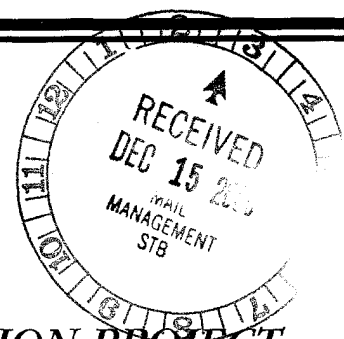


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In The Matter Of:

***DM&E POWDER RIVER BASIN EXPANSION PROJECT
PUBLIC MEETING***

DRAFT ENVIRONMENTAL IMPACT STATEMENT

November 16, 2000

***Beta Reporting
910 17th Street, N.W.
Suite 200
Washington, DC 20006
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*Original File DME16R.ASC, 424 Pages
Min-U-Script® File ID: 0007731983*

Word Index included with this Min-U-Script®

DM&E POWDER RIVER BASIN EX-
PANSION PROJECT
PUBLIC MEETING
DRAFT ENVIRONMENTAL IMPACT
STATEMENT
Rochester, Minnesota

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[1] PROCEEDINGS

[2] (1:05 p.m.)

[3] MR. GARDINER: Why don't we get [4] started. Thank you very much for coming. [5] Those of you in the back, if you want to move [6] up front. You are certainly welcome up here [7] in the front if you want to move up.

[8] We are here to talk today about the [9] proposed DM&E expansion project. My name is [10] Charles Gardiner. I am going to be the [11] facilitator this afternoon. My role is to [12] help make this meeting as productive as [13] possible for all of you in providing comments [14] and also productive for the project team [15] that's here to listen to your comments. I am [16] going to cover a few logistical items first [17] and then we have a short presentation that we [18] want to go through before we get to your [19] comments.

[20] First, I just want to touch on what [21] our overall purpose is. The project team [22] wants to describe to you the roles of the

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[1] different federal agencies that are involved [2] in the environmental impact review of the [3] proposed project. Want to provide a short [4] overview of the project and a brief summary [5] of the environmental impact review results. [6] Most importantly, we are here to hear from [7] you, hear comments that you have on the Draft [8] Environmental Impact Statement.

[9] So I am going to cover some — [10] introduce the team shortly and then some [11] meeting ground rules. Then the project team [12] is going to talk about the Surface [13] Transportation Board role. The Surface [14] Transportation Board is the lead federal [15] agency looking at the environmental impacts. [16] Also going to describe the roles of the other [17] cooperating agencies, the other federal [18] agencies that are working with the Surface [19] Transportation Board. Then an overview of [20] the project and the environmental review and [21] again get into the public comments.

[22] Let me introduce the team members

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[1] who are here in front. Vicki Rutson is here [2] from the Surface Transportation Board. Vicki [3] is the manager for the

Board in the [4] Environmental Impact review. Steve Thornhill [5] is here, with Burns & McDonnell Consulting. [6] Steve is the project manager for the [7] consulting team that is assisting the Surface [8] Transportation Board in preparing the [9] Environmental Impact Statement. Tim Fell is [10] here from the U.S. Army Corps of Engineers. [11] He is going to describe their role shortly. [12] But he is responsible for the Corps' review [13] of potential impacts to wetlands and [14] waterways.

[15] Let me cover a couple of things [16] about the hand-out that you have before I do [17] the ground rules. The first handout probably [18] has a blue page on the front. This includes [19] our agenda. Inside is also a description of [20] how we are going to receive comments today. [21] It has a listing of the ground rules that I [22] am going to go over in a moment.

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[1] It also describes how to provide [2] written comments. Now, on the back of that [3] sheet are the addresses for you to provide [4] written comments. The next sheet I want to [5] cover looks like this. It's a white sheet. [6] That's a comment sheet that you may feel more [7] comfortable today providing your comments in [8] writing rather than getting up and speaking, [9] or you may want to supplement the comments [10] that you provide orally. This is a tool to [11] do that.

[12] So even while you are sitting there [13] you may want to fill out some comments. [14] Please do that. You can drop it off at the [15] table on your way out or you can mail it in [16] to us. It's designed to fold and mail.

[17] You can provide written comments in [18] other formats. You can certainly write [19] comments at home and send those in as well. [20] You are not constrained to that format.

[21] There is also a short half page [22] sheet. Yours may be pink. This includes

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[1] some contact information about the project. [2] First the Surface Transportation Board's web [3] site. So if you are on line you can go view [4] the environmental document there. The second [5] is an environmental hot line. That is not a [6] place to provide comments. It is a place [7] that if you have questions after this [8] meeting, in the next several weeks, if you [9] have questions about some procedural aspects, [10] when the comment deadline is, where the [11] nearest library is and so forth, call the hot [12] line, and we will get back to you as soon as [13] we can.

[14] This card here you may have picked [15] up, we are going to cover in the presentation [16] most of the procedural things on how to [17] participate and so

forth. But you may have [18] some questions about the process that we [19] didn't cover. You can fill this out, bring [20] it back to the back table during the meeting [21] and we will try to answer procedural [22] questions during the meeting.

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[1] However, we are not intending to [2] answer questions about the Draft EIS. We are [3] here to receive your comments. If you have [4] questions, I encourage you to rephrase them [5] as comments. If something wasn't clear to [6] you in reviewing the draft, we encourage you [7] to state that as I think the draft could be [8] clearer about X.

[9] If something felt incomplete to [10] you, please provide that as a comment. We [11] are really trying to receive those comments. [12] We are not intending to answer questions [13] about the draft here.

[14] The last thing you may have picked [15] up is this orange sheet. That's a listing of [16] the libraries in Minnesota that have copies [17] of the draft. If you want to go look at it [18] if you have not seen it already. This is a [19] list where you can find it.

[20] The ground rules. The first and [21] most important is one speaker at a time. [22] This is a very large room. We have lots of

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[1] microphones around the room. We do have a [2] court reporter here who is transcribing oral [3] comments. If there are other conversations [4] going on, it makes it very hard for him to [5] hear exactly what the comments are. So one [6] speaker at a time is quite important.

[7] If you want to have a conversation [8] I encourage you to go outside, even beyond [9] the — into the far lobby, so we don't [10] disrupt people who are trying to provide [11] comments. We are setting some time limits [12] today.

[13] We have a large number of people [14] who have signed up to speak, about 70 people. [15] There are some additional people I know who [16] have arrived and signed up to speak. If we [17] have time we will get to those.

[18] The time limit we set is three [19] minutes. We do that really to be sure that [20] we have time to get to the people who are [21] lower on the list. So if you are providing a [22] comment and you go over the time limit, you

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[1] are potentially cutting into the time of your [2] neighbors who are further down on the list. [3] So I am going to be timing that and enforcing [4] that.

[5] Let me give you a little guideline [6] what three minutes is. If you come with a [7] prepared statement, you can get about a [8] page-and-a-half double spaced, may-be a page [9] single spaced. It doesn't help the court [10] reporter to read faster. I encourage you to [11] just summarize. You might want to start [12] thinking about it now if you have got a [13] longer statement. We will be happy to [14] receive that statement. You can drop it in [15] the basket on your way out. That will get it [16] into the records.

[17] So you don't have to feel obligated [18] to read your entire statement. We encourage [19] you to summarize and provide the main points [20] in your oral comments. You will all be [21] treated equally in the response process.

[22] The last and most importantly is

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[1] respect others opinions. We recognize that [2] this is a controversial project. There are [3] diverse opinions everywhere we go. Our job [4] up here is to listen to all of those opinions [5] and we need your help to be sure we can hear [6] all those opinions. You may have feelings of [7] support; it's certainly okay to express that. [8] If you interrupt someone, either in support [9] or opposition, it cuts into their time.

[10] If you have rebuttal statements or [11] expressions of opposition, I encourage you to [12] keep those to yourself. It's primarily [13] because we want to hear all of the comments. [14] I think it's important for all of us to [15] listen to those comments.

[16] So with that, I am going to [17] introduce Vicki Rutson, who is going to start [18] a short presentation about the project.

[19] **MS. RUTSON:** Thank you, Charles. Can everyone hear me? If you can't hear me, [21] please raise your hand.

[22] Again, I am Vicki Rutson. I am

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[1] glad to see you all here this afternoon. I [2] am an attorney with the Section of [3] Environmental Analysis with the Surface [4] Transportation Board. I would like to spend [5] a few moments telling you about the Surface [6] Transportation Board and explaining a little [7] bit about the process that we are involved in [8] together here. The Surface Transportation [9] Board is an independent regulatory federal [10] agency located in Washington, D.C. The Board [11] itself is composed of three members. Linda [12] Morgan is the chairman. There is a [13] vice-chairman and a Board member, Wayne [14] Burkes and William Clyburn. [15] Congress has given the Board the [16] responsibility of licensing certain rail-

road [17] actions. Those include railroad mergers, [18] railroad abandonments and the kind of [19] application that's involved here, rail line [20] constructions. The board's involvement in [21] the Dakota Minnesota and Eastern proceeding [22] began in February of 1998. That's when DM&E

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[1] came to the Board and filed an application [2] seeking a license to construct a new rail [3] line from DM&E's existing line in South [4] Dakota into Wyoming's Powder River Basin.

[5] There were two other rail line [6] construction proposals contained within that [7] application around the cities of Owatonna, [8] Minnesota and Mankato, Minnesota. This [9] application triggered two processes at the [10] Board. The first is called the [11] Transportation Merits Review. The second is [12] the Environmental Review Process under the [13] National Environmental Policy Act.

[14] Let me talk about the first [15] process, the Transportation Merits Review. [16] In that process the Board must ask three [17] questions. The first, is the applicant [18] financially fit. The second, is the proposal [19] before the Board in the public interest. [20] Third, is there a public need for the [21] proposal.

[22] The Board issued a decision on

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[1] December 10th of 1998 answering those three [2] questions in the affirmative. The Board [3] said, based on the information that was [4] before it back in 1998, DM&E's proposal met [5] the Transportation Merits criteria. But, and [6] this is very important to remember, the Board [7] said it could not be issuing a final decision [8] because all the information was not before [9] it. This is because the environmental review [10] process was not complete. It had just begun.

[11] Until the environmental review [12] process is complete, the Board said it would [13] not be able to issue a final decision on [14] DM&E's proposal. That brings us to the [15] environmental review process. This is a [16] multi-step process that has been going on for [17] some time now. The Board has conducted [18] scoping meetings. A few years ago we were [19] here. The Board issued a final and draft [20] scope of analysis. Most recently, and [21] probably most importantly, the Board recently [22] issued a Draft Environmental Impact Statement

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[1] and provided an opportunity for public [2] comment.

[3] That's why we are here this [4]

afternoon, to hear your comments on the Draft [5] Environmental Impact Statement. Now, the [6] DEIS, as it's called, is intended to perform [7] a number of functions. The first is to let [8] you all know what we believe to be the [9] potential environmental impacts of DM&E's [10] proposal. Also, the potential impacts of any [11] reasonable and feasible alternatives to [12] DM&E's proposal, including the no action or [13] no build alternative.

[14] The DM&E is intended to inform [15] federal, state and local agencies as well, [16] affected communities, landowners, ranchers, [17] farmers, tribal members and all other [18] interested members of the public who want to [19] provide comments. The Draft EIS also sets [20] forth the Section of Environmental Analysis [21] preliminary recommendations for mitigation.

[22] Comments are due on the Draft

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[1] Environment Impact Statement [2] January 5th, 2001. We have received a number [3] of requests to extend that comment period. [4] If you have an opinion on that issue, you are [5] welcome to make that comment this afternoon [6] or also submit it in writing.

[7] What's next? When the comment [8] period closes, it will then be our [9] responsibility to take all comments, written [10] and oral, and respond to those comments in a [11] Final Environmental Impact Statement. If [12] necessary and appropriate, we will also [13] conduct additional environmental review in [14] the Final EIS. At that point the [15] environmental review process will be [16] finished. The Board then, the [17] decision-maker, will have all the information [18] before it and the Board will issue a [19] decision, and that will be the final decision [20] on DM&E's proposal.

[21] The Board will have three choices [22] to make, and it will have to make one

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[1] decision. Either to approve DM&E's proposal [2] as it was originally submitted. Approve [3] DM&E's proposal but only if certain [4] mitigation measures occur. Or third, to deny [5] DM&E's proposal. Those are the three [6] options.

[7] Now, the Board hasn't been working [8] alone on the Draft Environmental Impact [9] Statement. There have been other federal [10] agencies working with the Board as [11] cooperating agencies. These other agencies [12] will also be issuing permits on various [13] applications also involved in this [14] proceeding. Those other agencies, and there [15] are five other federal agencies involved, are [16] the Forest Service, the Bureau of Land [17] Management, the U.S.

Army Corps of [18] Engineers, the Bureau of Reclamation, and the [19] Coast Guard. [20] A representative of the U.S. Army [21] Corps of Engineers is here this afternoon and [22] will be speaking to you about the Corps'

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[1] role. There is also one other agency, the [2] United States Environmental Protection Agency [3] who has a role in this process. EPA will be [4] reviewing the Draft Environmental Impact [5] Statement and issuing a rating on the DEIS. [6] EPA will also be evaluating some of the [7] Corps' process under what's called the 404 [8] application that our representative from the [9] Corps will be telling you about.

[10] Would the members of the EPA like [11] to just wave to the group so everybody [12] recognizes them. Jim Berkley and Mazin [13] Enwiya. With that, I would like to thank you [14] all again for coming this afternoon. I look [15] forward to hearing your comments on the Draft [16] EIS. I would like to introduce Tim Fell from [17] the Army Corps of Engineers. Thank you.

[18] **MR. FELL:** Thank you, Vicki. As [19] she said, my name is Tim Fell. I work with [20] the St. Paul district of the Army Corps of [21] Engineers. I am out of the St. Paul office.

[22] The Corps out of St. Paul will be

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[1] looking at the project as it impacts waters [2] and wetlands in the State of Minnesota. The [3] project also extends into the South Dakota [4] and Wyoming, and the Corps' district office [5] in Omaha will be handling and reviewing the [6] impacts in those areas.

[7] The Corps has permit jurisdiction [8] in this matter under two laws. One is [9] Section 10 of the Rivers and Harbors Act. [10] That is reference to navigable waters. The [11] other law is Section 404 of the Clean Waters [12] Act. Under that law we review projects that [13] involve the discharge or placement of dredged [14] or fill material into other waters in the [15] United States, including areas like ponds, [16] rivers, lakes and wetlands.

[17] The Corps of Engineers will be [18] looking at the impacts of the project and [19] considering whether the project would be [20] contrary to the public interest. We will be [21] looking at the plans to see whether they [22] represent the least environmentally damaging

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[1] alternative.

[2] In doing this public interest [3] review there are many factors that are going [4] to be considered. These will include

factors [5] of wetlands, wildlife habitat, economics, [6] cultural resources, land use, floodplain [7] values. The information that we gathered in [8] the permit application, information from the [9] Draft EIS and the Final EIS and from our [10] public notice that the Corps has issued, and [11] certainly comments that are generated from [12] public hearings like this and the several [13] other hearings that have been held in the [14] last two weeks, all of that information is [15] going to be reviewed and considered by the [16] Corps of Engineers before we make a permit [17] decision on whether to approve the project.

[18] So with that, I would like to turn [19] it over to Steve Thornhill from Burns and [20] McDonnell. Thank you.

[21] **MR. THORNHILL:** Thank you. Welcome [22] everyone. As Tim said, my name is Steve

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[1] Thornhill. I am with Burns and McDonnell [2] Engineering. We are the consulting company [3] that was retained to assist this Surface [4] Transportation Board in preparation of the [5] Draft Environmental Impact Statement. What I [6] would like to do is take just a few minutes [7] to kind of expound a little bit on some of [8] the things that Vicki said the DEIS contains [9] and just briefly kind of hit some of the high [10] points and highlights of the DEIS.

[11] The first thing that the DEIS does [12] contain is a description of the existing [13] environment. In doing that what it attempts [14] to do is kind of paint a picture of what the [15] natural environmental resources of the [16] project areas are. Kind of give people an [17] idea of what it's like, what's out there and [18] what that things are important.

[19] The next thing it does is it looks [20] at the different alternatives proposed for [21] the project. One of those alternatives as [22] required under the National Environmental

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[1] Policy Act is the no action alternative. [2] That was one of the alternatives that was [3] evaluated for this project. After discussing [4] and describing the different alternatives, [5] the DEIS then goes in and discusses and [6] evaluates what impacts each of those [7] alternatives would have on the existing [8] environment, the environmental resources [9] found within the project area.

[10] As most of you are probably aware, [11] and as Vicki mentioned, the Draft [12] Environmental Impact Statement was released [13] on September the 27th, 2000. There is [14] a 90-day comment period, which will conclude [15] on

January the 5th, 2001.

[16] As part of the DEIS, there is a [17] discussion of what the proposed purpose and [18] need for the project is. Just briefly to [19] kind of hit on the two points of that, one of [20] the purposes of the project would be to [21] provide DM&E the financial resources [22] necessary to reconstruct its existing rail

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[1] line across Minnesota and South Dakota. This [2] has been deemed necessary in order to [3] continue to provide safe and efficient rail [4] transportation to the region.

[5] The second purpose would be, by [6] extending DM&E's existing line into the coal [7] fields of the Powder River Basin they would [8] provide an additional competitive rail access [9] to the coal mines in that region, thereby [10] increasing the competition and transportation [11] opportunities for the region's mineral [12] resources.

[13] There were four alternatives [14] generally evaluated for this extension. The [15] first alternative was the no action [16] alternative. The second alternative, [17] alternative B, would involve new construction [18] of rail line generally along the Cheyenne [19] River in southwestern South Dakota and into [20] Wyoming. The third alternative, alternative [21] C, was a modification of alternative B, which [22] removed the line from portions of the

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[1] Cheyenne River determined to be [2] environmentally sensitive. The fourth [3] alternative, alternative D, involved [4] reconstruction of additional sections of [5] DM&E's existing line, as well as new [6] construction along existing rail lines in the [7] region in order to create one rail line that [8] would extend the system into the Powder River [9] Basin.

[10] Just real briefly I am going to [11] touch on some of the project components in [12] the various states affected by the project [13] and highlight some of the things that were [14] noted in the DEIS. For Minnesota, what was [15] evaluated in the Draft Environmental Impact [16] Statement included the proposed [17] reconstruction of DM&E's existing line across [18] the state. There were potentially new [19] constructions evaluated for the communities [20] of Mankato, Owatonna and Rochester. There [21] would be three new yards potentially [22] constructed in Minnesota, which were

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[1] evaluated.

[2] Some of the unique characteristics [3] and concerns that were identified, and this [4] is just kind of a snapshot, there

were many, [5] included the numerous communities located [6] along the rail line. Also those communities [7] in areas of new constructions that were [8] evaluated. The farmers located along the [9] line, again both along the existing line and [10] in the areas of proposed construction. The [11] Mayo Clinic and the health care provided by [12] it in this area was a unique situation [13] throughout the region. Sensitive riparian [14] areas and wetlands found throughout the [15] state, both again along the existing line and [16] in the areas of new construction. Lastly, [17] the flood control projects present in the [18] communities of Man-kato and Rochester.

[19] In South Dakota, the proposed [20] project would involve reconstruction of [21] DM&E's existing rail line. It would also [22] include construction of new rail line to

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[1] extend DM&E's existing system to the coal [2] fields. There were two new rail yards [3] proposed as part of the project within South [4] Dakota. There were construction alternatives [5] evaluated in the Spring Creek Hay Canyon [6] areas of South Dakota and around the [7] community of Brookings.

[8] Some of the unique characteristics [9] again identified in South Dakota included the [10] potential impacts to Buffalo Gap National [11] Grassland, primarily in western South Dakota. [12] Impacts to numerous tribal reservations and [13] Native American issues and concerns. Impact [14] to farms and ranches throughout the line, [15] both along the existing line and the new [16] construction areas. Sensitive riparian [17] areas, particularly those along the Cheyenne [18] River corridor. Impacts to the Angostura [19] Irrigation District. Impacts to the many [20] communities along the line, both again along [21] the existing portion of the project and in [22] the new construction areas. Lastly, impacts

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[1] associated with either rehabilitation of the [2] existing bridge or construction of a new [3] bridge across the Missouri River at Pierre, [4] South Dakota.

[5] In Wyoming the project would [6] involve construction of new rail line to [7] extend DM&E's system into the Powder River [8] Basin. It would involve the potential [9] construction of one new rail yard. There [10] were alternatives evaluated to access the [11] Black Thunder and North Antelope coal mines. [12] Some of the unique things identified included [13] impacts to the Thunder Basin National [14] Grasslands and the numerous ranches and [15] ranchers that occupy the area and utilize the [16] land that

would be crossed.

[17] In conducting the analysis it was [18] determined that a variety of environmental [19] areas and issues would be significantly [20] impacted by the project. Not all of these [21] areas would be significantly impacted by all [22] components of the project, but each of these

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[1] areas would be significantly impacted by at [2] least one of the potential components of the [3] project. The areas determined to be [4] significantly impacted included safety, and [5] that related to rail highway at grade [6] crossing safety, geology and soils, water [7] resources, wetlands, paleontological or [8] fossil resources, cultural resources, [9] including both archeological and historic, [10] threatened and endangered species, land use, [11] noise, air quality, environmental justice, [12] esthetics, socioeconomic and cumulative [13] impacts that this project combined with other [14] foreseeable projects throughout the project [15] area.

[16] Lastly, the Draft Environmental [17] Impact Statement discussed proposed measures [18] that should the project be approved these [19] measures could be imposed as mitigation to [20] minimize or reduce the environmental effects [21] of the project on the environmental resources [22] within the area. At this time those

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[1] mitigation measures are general in nature and [2] could be applied to most of the alternatives [3] considered or proposed. Therefore, they fall [4] into the category of what would best be [5] described as best management practices. [6] Those would be things like utilization of [7] silt fences or straw bales to control [8] erosion.

[9] There were also a number of [10] mitigation measures that involved [11] coordination between DM&E and local, state [12] and federal agencies in order to develop [13] plans and agreements that would address the [14] concerns and jurisdictional issues of those [15] other agencies. However, it was determined [16] as part of the evaluation that some of these [17] impacts would be very difficult to [18] effectively mitigate. Therefore, an [19] important part of the process, and the reason [20] that we are here today, is to receive [21] comments from the people who would be [22] affected by the project as to what mitigation

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[1] measures are felt would be appropriate and [2] could effectively mitigate the impacts of the [3] project.

[4] Let's see. The last thing that was [5]

discussed was the concept of negotiated [6] agreements. Those would be agreements again [7] between DM&E and other organizations or [8] agencies to address the concerns of those [9] parties who have concerns about the impacts [10] of the projects. The mitigation chapter [11] causes how those agreements need to be [12] submitted to the STB so they can be [13] considered by the Board; and if the project [14] is approved, can be imposed as mitigation [15] measures or conditions on approval of the [16] project. With that I will close. Thank you [17] all very much again for coming, and thank you [18] for your comments.

[19] **MR. GARDINER:** Okay. Just in [20] summary again, about the format for comments. [21] Oral comments at this meeting will be [22] transcribed. Written comments on the comment

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[1] sheet that you have, or if you have a written [2] statement with you, feel free to provide [3] that. Then written comments by mail to the [4] addresses listed on that sheet that you have.

[5] As Vicki said, the project team [6] will be reviewing all of those comments and [7] comparing responses to the substantive [8] comments. Those responses will be included [9] with the Final EIS. All of that information, [10] the comments, the responses and the Final EIS [11] will be provided to the Board so they can be [12] fully informed about the potential [13] environmental impacts.

[14] Specifically, just to review the [15] things that the team is seeking comments on, [16] the Draft EIS, as Steve just described. Some [17] components of that, including the [18] programmatic agreements on deals with the [19] Native American issues. There is also a [20] biological assessment in there. That deals [21] with threatened and endangered species [22] issues. So those are important components of

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[1] the Draft EIS.

[2] As Tim described, the Section 404 [3] permit applications for the respective [4] states, seeking comments on those. Then [5] lastly, the proposed forest plan amendments. [6] Those relate to the Forest Services review of [7] potential impacts on Forest Service lands.

[8] The order of commenters, we are [9] going to take any federal or state elected [10] officials who are here, take their comments [11] first. Then work through the list of [12] preregistered speakers. As I said, it's a [13] long list, about 70 people. Then other [14] speakers, those of you who signed up to speak [15] here, or other speakers who may have already [16]

provided comments at another meeting. To the [17] extent we have time available, we will take [18] comments from those people. But we have a [19] long list of people who preregistered; we may [20] not get to those other people.

[21] To help us get through as many [22] people as possible, let me review, that we

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[1] have a three-minute time limit. I will be [2] timing you. I will give you about [3] a 30-second warning. So you should plan on [4] wrapping up at that point. As I said [5] earlier, it's important to be concise, [6] summarize your key points and provide those. [7] Feel free to provide the written statement to [8] us.

[9] If you could provide your name and [10] affiliation so that the transcriber can get [11] that. Start with that; it will be quite [12] important. I will also be letting people [13] know when they are coming up. If you can [14] come up and be prepared to start promptly, [15] that would keep us moving forward quickly as [16] well. So now is a good time for everybody to [17] nod in the affirmative that we are going to [18] live by these ground rules. So that's how we [19] will proceed.

[20] The first name I have is [21] Congressman Gutknecht. I understand he is [22] still in Washington and couldn't be here

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[1] today. I just wanted to confirm that. I [2] haven't seen him here.

[3] The next one I have is State [4] Senator Sheila Kiscaden. I apologize if I [5] mispronounced that.

[6] **MS. KISCADEN:** Good afternoon. My [7] name is Sheila Kiscaden. First let me [8] apologize for my rough voice. I got out of [9] my sick bed to be here today. But I think [10] it's a very important topic for our [11] community. I want to thank you for coming to [12] take testimony from the community.

[13] During my eight years in the [14] Minnesota State Senate I have taken a strong [15] interest in rail issues. In fact I am an [16] advocate for improved passage of rail for [17] this community and for the upper midwest [18] overall. So I stand before you not as a [19] person who is opposed to rail but someone who [20] supports rail. I serve on a number of task [21] forces trying to advocate for improved [22] passage of rail. However, the DM&E proposal

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[1] has created a lot of controversy for this [2] community and throughout our State of [3] Minnesota. Massive transportation projects [4] almost always do, whatever

kind of [5] transportation project they are.

[6] This project, however, is different [7] because this project is not going to be [8] determined by how we manage this project. [9] It's not going to be determined by local [10] units of government or by state government. [11] In most instances we have the responsibility [12] to work with the citizens of our communities [13] to find resolution for the conflicts that [14] massive transportation projects impose. [15] Always the benefits of the transportation [16] projects have to be weighed against the [17] economic environmental and social costs of [18] those projects for those who will be [19] negatively affected. In this instance it [20] comes to you. I am a little bit concerned [21] about that overall. I will be asking that [22] you consider ways that you can get state and

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[1] local government a little bit more involved.

[2] Similarly, when a business wants to [3] expand and its expansion will impact [4] adjoining property owners and the community, [5] the laws and ordinances of state and local [6] units of government seek to limit or minimize [7] the impact on others. What do we have with [8] the DM&E proposal? What we have is a [9] transportation business that wants to expand [10] to meet the needs of other businesses and [11] agricultural and utility industries. There [12] is a potential for significant economic gain [13] for these industries and for the communities [14] who depend on them.

[15] But there is also significant [16] economic, social and environmental costs for [17] other communities. Today you are in a [18] community that will bear economic and social [19] costs from the DM&E expansion and sees no [20] benefit to the community. Today you are [21] going to hear from residents of Rochester [22] that do not want the DM&E to expand its

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[1] operations through downtown Rochester. Today [2] you will also hear from people in the [3] townships around Rochester that don't want [4] DM&E to have a bypass.

[5] There is one point of agreement. [6] No one thinks that having the rail line go [7] through their property will improve their [8] property. Your job is to decide. Let me ask [9] you to consider a few thoughts. I realize — [10] I was told five minutes. I am going to go [11] over a little bit.

[12] We are a unique community. We are [13] an economic engine for the state and for the [14] region. Fully 25,000 people

commute in here [15] to work every day. You can think of us as a [16] unique kind of tourist community, a mecca [17] that brings in people for health care issues. [18] So the quality of the community and the [19] ambiance and the environment of the community [20] is very important. I don't think we would [21] allow a freight rail to go through other [22] kinds of tourist locations.

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[1] We are proud of our rights as [2] citizens. But where do our rights end and [3] the other guy's begins. In this case, I [4] would like you to, as you are here today, [5] stand on the overpass, the skyway that goes [6] over Broadway and look north and imagine a [7] four block ramp up to a rail overpass and a [8] four block down on the other side and ask [9] what it would do to the ambiance of this [10] community.

[11] Another big concern that I have is [12] that everything I have heard so far from the [13] DM&E rail line, they are not offering to pay [14] the full cost for any bypasses that they [15] would in fact agree to do. Your whole report [16] is very light on mitigations and in ordering [17] mitigation or even empowering local units of [18] government to negotiate with the rail line on [19] mitigations. This is an irony because it's [20] not in keeping with how Minnesota handles our [21] other transportation projects. Generally [22] Minnesota expects the full cost, including

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[1] costs to other business owners and [2] homeowners, to be included in total project [3] costs. It's not been included in this [4] proposal.

[5] Third, I would like you to think [6] about the value of bypassing communities when [7] it's possible to do so. It's no surprise [8] that many communities are asking you to [9] bypass. You probably came from Mankato on [10] Highway 14. We are in the process of [11] rebuilding Highway 14 using state and federal [12] dollars. The communities who lobbied this [13] long and hard for Highway 14 improvements [14] generally are also asking us to do, as we [15] reconstruct, to bypass their downtowns, to [16] bypass their businesses, to bypass their home [17] owners. Why should we do anything [18] differently with a massive rail project like [19] this.

[20] In my experience controversial [21] transportation projects take a long time to [22] resolve, but you have us on a fairly tight

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[1] time schedule. I have already written to you [2] to ask you to give us more time

so that we [3] can engage in the kind of community dialogue [4] that would be needed. But I would also ask [5] you to be more forthcoming in looking at what [6] the mitigation should be for any kind of [7] project like this, for this project, for [8] projects in the future.

[9] I think you also have to consider [10] giving some authority to local units of [11] government to more actively negotiate perhaps [12] on a state by state basis with the rail line. [13] You need to establish criteria not only for [14] this project but for future projects of when [15] a bypass would be ordered or considered [16] around the communities that will suffer [17] economic, environmental and social costs.

[18] If we are going to succeed in this [19] country in making rail an integral part of a [20] multimodal transportation plan, your role and [21] leadership in involving state and local [22] government in resolving these kinds of

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[1] disputes is critical and I urge you to use [2] this first massive rail project as a means of [3] changing the way that you work with state [4] government on these issues. Thank you.

[5] **MR. GARDINER:** That concludes the [6] list of state and federal elected officials [7] that I have. Are there others that I am not [8] aware of that are here?

[9] Okay. So launching into the [10] remainder of the list. What I am going to do [11] is identify the next three people coming up. [12] So if you are on deck, if you could work your [13] way to the front and be ready to go. The [14] names I have John Wade, Dr. Hugh Smith. Is [15] Dr. Smith here? Okay. Mike Podulke.

[16] **MR. WADE:** Good morning and welcome [17] to Rochester. I appreciate the opportunity [18] to speak before you today. Rochester is [19] certainly important to me but I can assure [20] you that I am not alone. In fact, just two [21] months ago a group of community leaders [22] dedicated to preserving the safety and

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[1] quality of life of our residents formed to [2] launch a campaign against the coal trains. [3] Myself, along with former Chief Justice Sandy [4] Keith, have the honor of being the co-chairs [5] of this massive effort. Our organization, [6] Citizens to Stop the Coal Trains, represents [7] people from all facets of this community, [8] including business, government, health care [9] and community activists. All have united [10] around this issue and rallied to the defense [11] of this great community.

[12] Since Citizens to Stop the Coal [13] Train was launched on September 27th

we have [14] been overwhelmed by the support we have [15] received. By the thousands, people have [16] written us, called our office and visited our [17] web site. I have provided you thousands of [18] letters and petitions to enter formally into [19] the record.

[20] Hundreds of open cars carrying coal [21] or other hazardous materials will pose a [22] significant health risk to this community.

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[1] While this hazard would concern any [2] community, it is especially troubling for [3] Rochester. You see, in our city health care [4] isn't just an individual concern, it is one [5] of the — it is in fact, the cornerstone of [6] our community. We are fortunate to not only [7] have one of the state's largest employers but [8] the world's most prominent health care [9] provider, the Mayo Clinic.

[10] As a result, hundreds of thousands [11] of patients come to Rochester each year for [12] treatment. An expanded DM&E line which lies [13] just a block from Mayo Clinic will surely [14] erode patients' piece of mind even before an [15] accident or spill occurs. As we recently [16] witnessed on improved track in Scotts Bluff, [17] Nebraska, the community had to be evacuated [18] because of a benzene spill.

[19] Ask any proponent of this proposed [20] upgrade where the 800 residents of senior [21] housing adjacent to the railroad in Rochester [22] will be evacuated to in a similar spill. Ask

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[1] the proponents of this proposed upgrade if [2] they would like to be on hand to tell one of [3] their family members at Methodist that there [4] is not a hospital within a hundred miles that [5] they can be evacuated to.

[6] An expansion would also pose a [7] financial threat to Rochester. We have [8] worked hard to build a great community and [9] this would be a major blow. It would be a [10] major blow to our jobs as well. For example, [11] the significant traffic obstructions [12] resulting from at least eight rail crossings [13] being shut down simultaneously every 40 [14] minutes will drive customers and eventually [15] businesses away from the areas of that track.

[16] I understand and I respect the [17] tremendous responsibility facing the Surface [18] Transportation Board. Those of us in [19] Rochester have a responsibility, too, a [20] responsibility to speak out against this coal [21] train proposal and its negative impact on our [22] health, public safety and economic future. I

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[1] thank you very much for your time and [2] consideration. Thank you.

[3] **DR. SMITH:** Thank you for the [4] opportunity to present Mayo Clinic's concerns [5] about the impact of the proposed DM&E [6] expansion on our human environment. We [7] believe the DM&E expansion poses a health [8] risk and safety threat. There are no [9] restrictions on what the railroad will haul [10] at higher speeds through our city. They can [11] haul hazardous material, including propane [12] and anhydrous ammonia. Of the thousand [13] acutely ill patients in Mayo hospitals every [14] day, 150 of them are in intensive care units; [15] many on respirators or other support devices. [16] It would be impossible to safely evacuate [17] them, because there are more intensive care [18] unit beds in Rochester than all intensive [19] care unit beds in all hospitals in all cities [20] and towns along the DM&E line from Wyoming to [21] Winona. If we have a derailment and [22] hazardous chemical spill there is no hospital

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[1] within a hundred miles that could handle even [2] one-sixth of our patients if they survive the [3] trip.

[4] To our knowledge the largest number [5] of highly sensitive magnetic resonance [6] imaging, or MRI, scanners in the world, 12 of [7] them are located less than a thousand feet [8] from the DM&E line. MR scanners are [9] sensitive to vibrations as small as one [10] millionth that of gravity. Vibration from a [11] loaded coal train at 45 miles per hour can [12] measurably impact on the images for more [13] than 26,000 patients that we scan each year.

[14] Unfortunately, the newer magnetic [15] resonance scanners are U-shaped rather than [16] tubular. This eases patient claustrophobia [17] and allows medical access to the patient [18] during procedures and the scan. [19] Unfortunately, if you think about it, the [20] U-shape of these next generation scanners [21] gives them the characteristic of a giant [22] tuning fork; and with their lower mass, make

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[1] them even more vulnerable to vibration.

[2] Mayo Clinic is an economic engine [3] for Rochester and the entire region. Our [4] payroll contribution to the region is greater [5] than billion dollars annually. One-third of [6] our employees live outside of Rochester. Our [7] patients and visitors who travel with them, [8] this is one million people a year, [9] generate 1.6 billion in health care and an [10] ad-

ditional 180 million to other nonmedical [11] businesses such as hotels and restaurants in [12] the region each year. More than half of all [13] this revenue comes from outside our state.

[14] The success of Mayo Clinic and of [15] Rochester are interdependent. In Rochester [16] there are 5,000 hotels rooms to 80,000 [17] people. One hotel room for every 16 [18] citizens. In Minneapolis there are the same [19] number, 5,000 hotels rooms or one room for [20] every 70 people. Any decline in patient and [21] visitor volume profoundly affects our [22] economy. This is a difficult situation. But

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[1] we must identify a solution that harms the [2] fewest number of people. We appreciate the [3] opportunity to present our concerns.

[4] **MR. PODULKE:** My name is Mike [5] Podulke. I am a member of the Olmsted County [6] Board which has passed unanimously a [7] resolution in favor of the no build option. [8] I am here to tell you something that you [9] already know and an unintended consequence [10] that I hope you guys thought about. That is, [11] the 37 train business plan doesn't fly [12] financially. It just won't work.

[13] It was marginal when first [14] proposed. The STB like another famous [15] government Pontius Pilate tried to wash its [16] hand of the problem by letting the market [17] decide. But as Pontius Pilate and Lady [18] Macbeth found out, it isn't that easy to wash [19] their hands. Since the incredibly [20] optimistic 37 train scenario with its [21] assumption of rising rates and full [22] cooperation from other railroads and hand-off

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[1] and right-of-way issues and the borrowing [2] of 1.4 billion dollars was conceived many [3] things have happened. Coal economists have [4] been telling all railroads to hold level if [5] not reduce coal hauling rates to defend the [6] dominance of coal against emergent [7] alternative fuels. Other railroads have been [8] making enormous investments in their own coal [9] infrastructure. A rate war is very [10] foreseeable.

[11] The DM&E has promised most trains [12] will turn off before Rochester. For the [13] business plan, when those trains turn off, [14] the revenue does, too. A different railroad [15] gets them. Important railroads have shown no [16] indication of special cooperation with DM&E's [17] need to solve their right-of-way gaps or hand [18] off problems. Inflation continues.

[19] New construction and operational [20] costs have surfaced. The real cost of [21] construction is probably closer to 2.5

[22] than 1.4 billion. Because of these factors

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[1] and others, the 37 train scenario just [2] doesn't work financially. However, because [3] of the hand washing decision of the STB, the [4] process has been decoupled from what actually [5] gets built. The process is decoupled from [6] what will actually get built.

[7] Now the market will decide how to [8] build and operate this railroad. Once given [9] approval, there will be no further effective [10] oversight on what the railroad does or the [11] new owners do. Something that won't work [12] financially will never get built. Clearly, [13] since the easiest way to make this plan [14] actually work is to add more and more coal [15] trains. The EIS should be about a hundred [16] trains and not about 37.

[17] This is a fairy tale EIS done on an [18] imaginary project. Like the decision of that [19] other government official Pontius Pilate, we [20] will all suffer for it.

[21] **MR. QUIRK:** I am Michael Quirk. I [22] represent the largest neighborhood

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[1] association in Rochester, Kutzky Park, [2] located south of the DM&E tracks west of [3] downtown. Our association formed five years [4] ago in response to a rapid increase in crime, [5] deteriorated housing and slum landlords. [6] Since that time my neighborhood has made a [7] dramatic turn-around. Our crime rate is now [8] among the lowest. Where condemned houses [9] once drove property values, the [10] turn-of-century charm of our renovated [11] housing and our proximity to downtown make [12] Kutzky Park a desirable location for new home [13] buyers.

[14] The DM&E project is the latest [15] threat to the vitality of my neighborhood. [16] Our concerns are many. Including the daily [17] disruptions, noise, vibrations, safety, [18] degradation of our quality of life and loss [19] of our property values. The DEIS is required [20] to identify the issues and provide solutions. [21] Instead it has only delivered inaccuracies, [22] incomplete and out-of-date data and

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[1] assumptions that can only be based on wishful [2] thinking.

[3] The impact of an increase of 34 [4] coal trains rumbling through Rochester on a [5] daily basis has been ignored. In the [6] residential mitigation Section, mitigation [7] measures only respond to reconstruction [8] activities. Activities that the DEIS states [9] should be short-term, only few days or weeks. [10] I am dismayed that

the DEIS provided [11] absolutely no mitigation to homeowners, [12] businesses and other landowners who will be [13] forced to endure this injustice.

[14] My primary concern is the loss of [15] property values to homes near the DM&E [16] tracks. Many residence along the DM&E [17] corridor are low income, minorities, single [18] parent and at risk families who live in these [19] areas for economic reasons. For many [20] families their home is their only asset. The [21] only savings they have.

[22] There is no place in the United

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[1] States where the residential property values [2] have increased after unit coal trains started [3] operations. The economic benefit to the DM&E [4] railroad does not justify the financial loss [5] that many of the area families will be dealt.

[6] The DEIS has assumed that the [7] increase in jobs will result in an increase [8] in individuals relocating to our area. But [9] at the same time your data shows few jobs [10] created by the DM&E in Olmsted County. These [11] few jobs will have a negligible effect on the [12] housing market in Rochester. In fact, your [13] own statement that increased rail traffic [14] will likely make residential areas even less [15] desirable, reducing real estate values [16] implies that increased coal train traffic [17] depresses housing values.

[18] Why will homes along the DM&E [19] corridor be less desirable, because no one [20] wants to live next to a railroad with 34 [21] blaring, clattering, dusty, squealing [22] mile-long coal trains every day. Their

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[1] employees will be able to afford to build new [2] homes or purchase better homes in better [3] neighborhoods, away from the coal trains. [4] Further depressing the area's housing values [5] and further concentrating families most at [6] risk, low income, minority, elderly and [7] single parent families into the rail [8] corridor.

[9] In conclusion, I believe that a new [10] Draft EIS needs to be written that corrects [11] all inaccuracies and assumptions, references [12] more current and relevant data, address [13] mitigations concerns and requires explicit [14] mitigation solutions from the DM&E. Thank [15] you.

[16] **MR. MILLER:** I am Jerry Miller. I [17] am the mayor of City of Winona. The citizens [18] of our Winona community insist that our [19] environmental issues and concerns, which [20] include health, safety, traffic, vibration, [21] noise, property values and quality of life be [22]

addressed in the same manner as communities

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[1] which are located on the DM&E railroad line. [2] The reason for this insistence is that even [3] though we are not on the DM&E line, we are [4] affected in the same manner, perhaps even [5] more so because of the cumulative effect of [6] the 25 to 35 trains going through our city at [7] the present time.

[8] Any additional DM&E coal trains [9] coming through our city will only be adding [10] to the existing impacts. The DEIS states [11] that the SEA determined that the proposed [12] project could result in significant impacts [13] from increased vibration. The city of Winona [14] has 121 structures located within 100 feet of [15] the track which can be potentially impacted [16] by vibration. Compared to 30 structures, [17] according to the DEIS, structures located [18] within a hundred feet of the track in all of [19] Olmsted County.

[20] The City of Winona has a greater [21] number of structures potentially impacted by [22] vibration than all other environmental

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[1] concerns than any whole county located on the [2] DM&E line in the State of Minnesota. [3] Chapter 7 of the DEIS states, and I quote, [4] "The board's practice consistently has been [5] to mitigate only those impacts that result [6] from the proposed actions." Any DM&E coal [7] trains traveling through Winona on the CP [8] line will impact our community and will [9] result from the proposed action.

[10] In chapter 3 it states, operational [11] impacts for the existing rail line would [12] include those anticipated along the portion [13] of the CP rail line within Winona, Minnesota. [14] Despite these two Draft Environmental Impact [15] Statements quotes, we cannot find where or [16] how the Surface Transportation Board includes [17] the cities of Goodhue and Winona in the [18] mitigation process.

[19] It is our hope and desire that if [20] the Surface Transportation Board approves the [21] proposed project it will define a definite [22] process by which the cities of Goodhue and

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[1] Winona will be involved in the negotiations [2] and mitigations with all involved parties, [3] including all railway companies, power plants [4] and all others benefiting from the coal [5] trains passing through our city.

[6] If the federal government can [7] provide 3.5 billion through the Federal

[8] Railroad Rehabilitation Improvement Financing [9] Program to help to maintain the health and [10] interest of the railroads, I would hope that [11] the federal government would have funds [12] available to help cities that are impacted by [13] the increased rail traffic.

[14] We feel that those who benefit from [15] the coal should pay. It is our hope and [16] desire to mitigate rather than having to [17] litigate. We hope this is also the desire of [18] the Surface Transportation Board and all [19] those who would benefit from the expansion [20] project. Thank you.

[21] **MR. BARBER:** Ron Barber, private [22] citizen. For environmental reasons the DM&E

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[1] project should be approved. One item missed [2] by the DEIS is that any projected exhaust [3] emission impacts calculated for coal train [4] service on the DM&E should not be considered [5] as new impacts, but as distributed and [6] reduced impacts.

[7] Without the DM&E project approved, [8] the trains will end up running on an already [9] congested BNS&F or UP corridor. So [10] regionally or nationally, exhaust emission [11] impacts will be reduced by having trains [12] running on the shorter DM&E route. The [13] impacts will be distributed to another area [14] causing less harm in an already congested [15] existing BNS&F or UP corridor. I have [16] witnessed congestion on the UP Iowa and [17] Nebraska main line.

[18] Another item not stressed is that [19] lower costs DM&E hauled PRB coal will be able [20] to reduce fugitive dust impacts by having [21] utilities switched from using low moisture [22] Eastern mined coal to the higher moisture PRB

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[1] mined coal. I have witnessed dusty eastern [2] coal shipments on the Norfolk Southern [3] through Indiana.

[4] Approving the DM&E project may also [5] negate any need for West Virginia mountain [6] top mining of low sulfur coal. This is one [7] of the few areas in the east that mines low [8] sulfur coal. This would solve many [9] environmental issues the region is now [10] facing. I believe there is a moratorium [11] right now with this type of mining, but that [12] could change.

[13] I have also witnessed mountain top [14] mining from an airplane flight going to [15] Raleigh, North Carolina. It wasn't very [16] pretty.

[17] Another point to reconsider is that [18] an upgrade of the existing line will allow [19] DM&E to capture more non-coal freight traffic [20] from the trucks that

haul it now. This will [21] reduce fuel consumption and exhaust emission [22] impacts due to the higher efficiencies of

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[1] train operation. BNS&F has, depending on the [2] season, doubled and in some cases tripled [3] non-coal freight train service on their [4] Lincoln, Nebraska, to Gillette, Wyoming line [5] since the line was rebuilt for coal service. [6] I have seen double stacked container trains [7] on this line this summer.

[8] The last point to reconsider is [9] that an upgraded line will allow grain and [10] other commodities to be loaded into cars at [11] maximum capacity, thus creating more [12] efficient train operations and in turn [13] reducing exhaust emission impacts and fuel [14] consumption.

[15] In closing, many of the people in [16] opposition to the project applauded the STB [17] for including the existing line [18] reconstruction into the DEIS. Yet I am [19] disheartened that the same people were first [20] to condemn both the content and the length of [21] this report. All of here today that are [22] testifying should be thankful that we live in

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[1] a country that allows us such a process that [2] the federal government affords us to speak [3] out on issues that concern us. Thank you.

[4] **MS. ALLEN:** My name is Colleen [5] Allen. I am here to speak on behalf of my [6] family in opposition of the railroad bypass [7] proposed by the City of Rochester. The route [8] of this proposed bypass is through my [9] parents' farm which has been home and [10] business to five generations. In the 1960s [11] my father lost 35 acres of prime crop land to [12] the construction of Interstate 90. The small [13] amount he received did little to compensate [14] him for the lost income those acres would [15] have provided to him during his lifetime and [16] in his retirement.

[17] Farmers are dependent upon the land [18] for their livelihood. Any reduction in crop [19] acres would seriously hamper the ability of a [20] farmer to stay in business. A railroad [21] bypass through a farm not only reduces the [22] amount of income-producing acres but reduces

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[1] the farm's efficiency by creating fields that [2] are inaccessible or too small or oddly shaped [3] to accommodate the size of today's farm [4] equipment. This in turn reduces the farm's [5] property value.

[6] Since a farmer does not receive a [7] pension, the amount of acres he has available [8] to rent or sell is vital to

provide him a [9] retirement income. This bypass proposal will [10] destroy 55 crop acres of my father's farm, [11] thereby reducing his retirement income.

[12] In addition to the loss of revenue [13] and the devaluation of property there is a [14] safety issue of many at-grade crossings along [15] the bypass route. This will result in many [16] low volume roads being closed. As a result [17] of these road closings farmers will have to [18] use roads having a higher traffic volume in [19] order to access fields and pastures cut off [20] by the bypass.

[21] Slow moving farm equipment mixed [22] with high traffic volume and motorists

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[1] traveling at speeds of 65 miles an hour [2] increases the likelihood of accidents. Road [3] closings will also lengthen the response [4] times for emergency vehicles in rural areas, [5] which are already at critical levels.

[6] Figures from the National Highway [7] Traffic Safety Administration put response [8] time from the instance of a collision until a [9] victim reaches the nearest trauma center [10] at 48.2 minutes in rural Minnesota compared [11] to 29.4 minutes in the urban setting. The [12] lack of alternative routes due to road [13] closings will result in longer emergency [14] response times and further jeopardize rural [15] residents.

[16] In conclusion, Rochester's bypass [17] proposal is simply a matter of shifting the [18] concerns of the DM&E upgrade onto a [19] population lacking the financial and [20] political resources available to the Mayo [21] Clinic and the City of Rochester. Therefore, [22] I am asking Surface Transportation Board to

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[1] reject Rochester's proposal for a costly and [2] unnecessary bypass at taxpayer dollars and [3] urge the city to begin negotiations with DM&E [4] on in-city mitigation on the current rail [5] corridor.

[6] **DR. FERGUSON:** I am Frances [7] Ferguson. I am chair of the Mayo Foundation [8] Board of Trustees. I believe very strongly [9] that this train threatens the Mayo Clinic, [10] recognized world treasure. As Chair of the [11] Board of Trustees of the Mayo Foundation and [12] a member of that Board for 13 years, I [13] recognize the Mayo Clinic's many, many [14] contributions to society. For more than 100 [15] years patients from throughout the world have [16] benefited from the Mayo Clinic. The Mayo [17] Clinic and this community have been home to [18] pioneering open heart surgery, the surgical [19] process of hip replacement,

nonsurgical [20] treatment of gallstones and a Nobel prize for [21] the discovery of cortisone.

[22] More recently, Mayo has pioneered

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[1] new treatment for patients with acute [2] multiple sclerosis. It has conducted cutting [3] edge research in the areas of [4] xenotransplantation, human genomics (?) and [5] imaging. Even late last month there was an [6] announcement of an exciting new research [7] finding in the area of colorectal cancer [8] detection that would make screening much more [9] convenient and effective for patients and [10] potentially save thousands of lives.

[11] I travel the nation and the world [12] both for Mayo and also as president of Vassar [13] College and I recognize the unique [14] attractiveness and the characteristics of [15] this community, that brings to it patients [16] but also brings to it physicians and [17] scientists that are interested in conducting [18] world class research that benefits mankind.

[19] The largest railroad project in the [20] history of the United States therefore [21] threatens Mayo Clinic's ability to attract [22] those patients, and even more so to attract

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[1] the world class physicians and scientists who [2] would want to live in this community. I [3] think it's imperative to identify a solution [4] that harms the fewest number of people. [5] Simply put, it would be unconscionable to [6] allow 37 or more mile plus long coal trains [7] to barrel through the heart of this community [8] and next to a world class treasure that [9] benefits millions of people in this country [10] and throughout the world. Thank you very [11] much.

[12] **MS. SPRAGUE:** Good afternoon. My [13] name is Charlotte Sprague. I am representing [14] the residents of the senior high-rise on 11th [15] Avenue Northwest, one-and-a-half blocks from [16] DM&E railroad tracks. We have many concerns [17] about the DM&E project and what it will mean [18] to Rochester. However, I am going to address [19] just two of our concerns.

[20] Our high-rise has 172 residents. [21] The average age is 84.5 years. About 80 [22] percent of the residents have health

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[1] problems, and the majority of these problems [2] are very serious. The availability of an [3] ambulance and the speed in which our calls [4] and needs are met is crucial to our health. [5] The clinics, hospitals and yes, the ambulance [6] service is all located on the south side of

[7] the tracks. Our high-rise is located on the [8] north side. Therefore, the increased rail [9] traffic suggested by DM&E, 35 plus trains a [10] day, puts our health in jeopardy. At the [11] times of our needs of an emergency vehicle, [12] delays due to railroad traffic could delay an [13] ambulance to answer our calls and again to [14] transfer us to our hospitals.

[15] Another concern of the residents is [16] the noise factor. Of 35 plus speeding trains [17] and their whistle blasts at each rail and [18] street crossing, we would have to endure this [19] noise day and night. Presently there are [20] nights when two, possibly three trains pass [21] through, and we are disturbed by their [22] several whistle blasts. What will it be like

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[1] with 35 plus speeding trains?

[2] I plead with the STB to listen to [3] our needs and our concerns as well as the [4] whole picture of what the DM&E project will [5] do to this most unique and beautiful city and [6] the world renowned medical center located [7] just a few hundred feet from the tracks of [8] speeding trains. I have lived in Rochester [9] for many years and have enjoyed the growth [10] and development. It is devastating to think [11] what could happen to such a great place to [12] live. Thank you.

[13] **MR. PETERSON:** My name is Doug [14] Peterson. I am director of procurement for [15] Dairyland Power Cooperative, La Crosse, [16] Wisconsin. My job responsibilities include [17] purchasing coal transportation services for [18] Dairyland's electric generating stations. [19] Dairyland Power is a nonprofit electric [20] generation and transmission cooperative, [21] which provides wholesale electric power to [22] 25 rural distribution cooperatives, 18 municipal

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[1] utilities and a number of other wholesale [2] customers.

[3] These cooperatives and municipals [4] serve over a half million people, most of [5] which live on farms and in small communities [6] throughout our five-state service territory. [7] Dairyland operates three coal-fired power [8] plants in western Wisconsin, which burn just [9] under two million tons of Powder River Basin [10] coal per year. The low sulfur content of [11] Powder River Basin coal has played a crucial [12] role in enabling Dairyland to meet [13] increasingly stringent state and federal [14] emission standards, while at the same time [15] helping us to keep our rates at reasonable [16] levels.

[17] Dairyland is not offering any [18]

comments at this time on the merits of the [19] various routes discussed in the Draft EIS. [20] We would, however, like to take exception to [21] the assertions of U.S. Forestry Service that [22] there is sufficient capacity on existing rail

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[1] lines serving the PRB. This perception [2] apparently formed the basis for the Forestry [3] Service's conclusion that the no action [4] alternative was preferred.

[5] Recurring service reliability [6] problems which have been caused by congestion [7] on rail lines in and out of the basin [8] contradict these assertions. These problems [9] have been occurring with regularity, [10] typically during periods of high demand when [11] utilities can least afford to have deliveries [12] of coal disrupted. The DM&E extension will [13] help relieve these disruptions, if not [14] eliminate them altogether.

[15] Having another carrier of entering [16] the basin by a separate route will do more [17] than simply relieve congestion and enhance [18] service reliability. It will give shippers a [19] choice. The no action scenario ignores the [20] potential benefits of having a third rail [21] carrier stimulate competition out of this [22] area.

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[1] The STB itself is on record as [2] advocating enhanced competition among [3] railroads. I will cite here the proposed [4] rules governing railroad mergers recently [5] issued by the STB. The DM&E project is [6] consistent with this policy goal and another [7] reason why the no action alternative should [8] be rejected.

[9] Among the potential benefits to [10] Dairyland is the fact that the more direct [11] DM&E routes from the PRB to the Mississippi [12] River terminals and gateways east are [13] about 300 miles shorter than existing routes. [14] This translates directly into lower [15] transportation costs. Being a nonprofit [16] cooperative, any savings Dairyland can [17] achieve are passed directly through to the [18] people we serve in the form of lower rates [19] for electricity. We submit that it is [20] appropriate that these economic benefits be [21] given due consideration when deliberating the [22] environmental impacts of the project.

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[1] Finally, I would like to note that [2] over half of Dairyland's coal fire power [3] plant capacity is over 30 years old. When [4] this capacity is eventually replaced, low [5] sulfur coal, PRB coal utilizing state of the [6] art emission control technologies will be [7] given primary consideration as a possible [8] fuel for these

plants.

[9] Dairyland Power appreciate the [10] opportunity to express its views here today [11] and we would like to urge the Board to [12] complete this review process in a timely [13] manner and proceed expeditiously with issuing [14] a decision which will enable this project to [15] go forward. Thank you.

[16] **MS. KOLLMAN:** My name is Karen [17] Kollman. I am the Director of Fossil Fuel [18] Services with Wisconsin Public Service [19] Corporation out of Green Bay, Wisconsin. In [20] my position I have the primary responsibility [21] for the arrangements, for the procurement and [22] transportation of coal to our power plants.

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[1] A verified statement of this proceeding was [2] previously submitted, and in that statement [3] we strongly supported the DM&E's application.

[4] As explained in our previous [5] testimony, WPS is an integrated electric and [6] gas utility that serves over 35,000 [7] residential, commercial and industrial [8] customers in an 11,000 square mile area. [9] While WPS relies upon a mix of resources for [10] the generation of electricity, PRB coal [11] accounts for 64 percent of our total power [12] production.

[13] Wisconsin Public Service strongly [14] supports the approval of the DM&E project for [15] construction of a rail line into the Powder [16] River Basin. We believe that the approval of [17] a third rail carrier entering into the market [18] for the transportation of coal will increase [19] the competitive pressures on the current rail [20] system, which will offer benefits to the [21] public through lower rates for coal [22] transportation. If approved and implemented,

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[1] the DM&E construction plan — the various [2] existing. I got mixed up.

[3] If approved and implemented, the [4] DM&E construction plan can open up new and [5] more efficient routings for the [6] transportation of PRB coal from origin mines [7] to various existing and feasible interchanges [8] with the lines of the other rail carriers [9] that serve other generation stations.

[10] The proposed DM&E spurs at the [11] individual PRB mines should help reduce [12] congestion and improve mine flexibility in [13] the loading of the trains. The DM&E west end [14] traffic and efficient operating plan and the [15] movement of trains into and out of the Powder [16] River Basin should lead to fewer route miles, [17] less locomotive emissions and less [18] congestion.

[19] The entry of the DM&E into the [20] basin will provide an alternate route for [21] coal out of the basin, allowing the orderly [22] and continuous flow of coal to the electric

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[1] customers in the event of unanticipated [2] interruptions of service occurs on other rail [3] carriers. The DM&E route has a pronounced [4] geographic advantage for service to a number [5] of markets in the upper midwest, upper [6] Mississippi River basin and the Greater Lakes [7] region. This could be of great value to our [8] utility and other coal burning utilities in [9] these regions because of improved unit train [10] efficiencies and the resulting competitive [11] rate making pressures on all carriers.

[12] The resulting competitive [13] transportation rates will increase use of [14] cleaner Powder River Basin coal in existing [15] coal fired generating units as well as the [16] conversion of higher sulfur coal units to [17] units capable of burning the lower sulfur [18] Powder River Basin coal. This would mean [19] less sulfur dioxide emitted into the [20] atmosphere.

[21] In consideration of the above [22] arguments we urge the STB to speedily approve

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[1] the DM&E project. Thank you.

[2] **MR. SCANLON:** My name is Paul [3] Scanlon. I am speaking on behalf of [4] Rochester School Board and Rochester Public [5] Schools. I am also a physician on the [6] faculty of Mayo Clinic and the Mayo Medical [7] School, but I do not represent Mayo in this [8] issue. I am here to speak against the [9] expansion and upgrade project proposed by the [10] Dakota and Minnesota and Eastern Railroad.

[11] On September 22nd, 1998, the [12] Rochester School Board adopted a resolution [13] in opposition of the project. The reasons [14] for this resolution are several. The most [15] important reason for opposing the project is [16] student safety during transportation. [17] Rochester Public Schools provides [18] transportation for 14,000 public and private [19] school students each day. School buses cross [20] the east/west rail corridor an average of 373 [21] times daily. If rail traffic is increased [22] with nearly 40 high speed trains per day, the

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[1] at-grade crossings will become substantially [2] more hazardous for our students. A large [3] number of other students will be exposed to [4] rail crossing hazard while walking and in [5] private vehicles traveling to and from [6]

school.

[7] A second concern relates to the [8] potential for hazardous gas release resulting [9] from a derailment. John Marshall High [10] School, Washington Elementary School, Holmes [11] Elementary School, Riverside Central [12] Elementary School and several private and [13] charter schools are all located within one [14] mile of the tracks. In the event of a [15] derailment with release of chlorine, propane, [16] anhydrous ammonia or other toxic gas, [17] students in these schools will be exposed to [18] environmental conditions that are immediately [19] hazardous to life and health. That is, they [20] are potentially fatal conditions.

[21] Evacuation of these schools may not [22] be achievable in a timely manner. Although

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[1] these gases are not the primary cargo [2] intended for the upgraded rail line, they are [3] currently transported by the DM&E. This [4] company has one of the worst safety records [5] in the industry and has had numerous [6] derailments within 30 miles of Rochester in [7] the past three years.

[8] A third concern is noise and [9] vibration. Schools lying close to the tracks [10] will have additional noise and vibration [11] burden with the addition of high speed [12] trains. This is not conducive to our [13] educational objectives.

[14] A fourth concern is air quality, [15] which will be adversely impacted by [16] particulates released from the transported [17] coal, as well as carbon monoxide and other [18] products of combustion released by trains as [19] well as automobiles stopped at crossings. [20] All of these will adversely affect air [21] quality.

[22] A fifth concern is overall impact

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[1] on quality of life and health in Rochester. [2] This project will adversely affect all of our [3] students and their families. For those [4] reasons Independent School District [5] Number 535, the Rochester Public Schools, [6] stand in opposition to the proposed rail [7] upgrade project and request that you reject [8] the proposal.

[9] **MS. HENNEN:** Good afternoon. My [10] name is Amy Hennen. I am here representing [11] on behalf of the Izaak Walton League of [12] America's midwest office in St. Paul, [13] Minnesota. We work with conservation groups [14] across the midwest and the nation on a [15] campaign to educate the public about the [16] adverse health and environmental impacts of [17] coal fire power plants and

the benefits of [18] cleaning up these plants. We will submit [19] more extensive written comments, but I am [20] here today to address the lack of attention [21] in the DEIS to the important issue of power [22] plant air pollution.

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[1] Despite the fact that DM&E [2] acknowledges that the primary purpose of the [3] proposed is to ship cheaper coal to midwest [4] power plants, thereby aggravating the problem [5] of the pollution, the DEIS does not address [6] this issue.

[7] The proposed Powder River Basin [8] expansion project would adversely impact [9] national energy policy. In Minnesota coal [10] fired power plants provide two-thirds of our [11] state's electricity and over one-half of the [12] nation's. The root of the problem is this. [13] When the Clean Air Act was amended in [14] the 1970s, Congress exempted power plants [15] from meeting the same air pollution [16] regulations that a new plant must meet. [17] Today these grandfather plants make up 77 [18] percent of our nation's coal fired fleet and [19] have air emissions five to ten times greater [20] than emissions from new, more efficient [21] plants. Having lower pollution standards [22] applied to them, they invest in less emission

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[1] control equipment and measures and have lower [2] operating costs, all the while producing far [3] more emissions. [4] Turning more specifically to the [5] pollution from coal fired power plants. [6] There are five primary air pollutants that [7] should concern this Board. The first, sulfur [8] dioxide, the primary component of acid rain, [9] which acidifies lakes and streams to the [10] point that fish cannot survive in them and [11] causes other environmental degradation. The [12] electric utility industry collectively emits [13] over two-thirds of both Minnesota's and the [14] U.S.'s sulfur dioxide pollution.

[15] Next, the Board should be concerned [16] about nitrogen oxide emissions, a precursor [17] to ground level ozone or smog. Coal fired [18] power plants emit 40 percent of the state's [19] nitrogen oxide pollution and national [20] utilities emit over a third of these [21] emissions.

[22] Third, carbon dioxide, a climate

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[1] change gas. About 38 percent of the carbon [2] dioxide pollution in Minnesota comes from the [3] state's utilities. There are a number of [4] predictions about how global climate change [5] will alter natural systems, and Minnesota is [6] particularly vulnerable.

[7] Fourth, this Board should be [8] concerned about mercury and other air toxic [9] emissions that are deposited from the air and [10] poisons our health and environment. Coal [11] fired power plants are the largest source of [12] man-made mercury emissions, responsible for [13] over 30 percent of the nation's inventory.

[14] Finally, particulate pollution also [15] known as soot. I will skip the health [16] report. You can read about that in the [17] written comments. For all of these reasons, [18] and regulatory reasons, the Board needs to [19] seriously consider the economic feasibility. [20] Power plants are meeting a whole host of [21] federal regulations that are bearing down on [22] them. We need to stop burning so much coal.

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[1] We need to change our fuel mix, to burn [2] cleaner fuels.

[3] Finally, on a personal level, as an [4] energy professional and public health [5] advocate, as an environmentalist, as an [6] outdoor athlete, as a resident of Rochester [7] physician who is one of those radiologists [8] who has to deal with those MRI machines that [9] Dr. Smith talked about, and most importantly [10] as a mother of a ten-month-old baby boy who [11] has asthma I urge you to seriously consider [12] the long-term and larger impacts of this [13] project. Thank you.

[14] **MR. MOLLOY:** Good afternoon. My [15] name is Kevin Molloy. I have been a resident [16] of this community for the past 25 years. I [17] am vice-president of operations for Sunstone [18] Hotels, the largest operator of hotel rooms [19] in the community. We have a total of 1332 [20] hotel rooms in four hotels. We are 28 [21] percent of the marketplace. All of our [22] hotels are within a four to six block

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[1] distance from the railroad. We are a city [2] of 83,000 people.

[3] We are all highly dependent upon [4] one industry: Medical care. This industry [5] employs over 20,000 people in Rochester and [6] attracts over one half million people to our [7] city on an annual basis. In addition to this [8] the city attracts about 80,000 people who [9] attend conferences and conventions, as well [10] as many corporate and leisure travelers.

[11] All other industries in the city [12] exist directly or indirectly because of that [13] one world famous entity. Effectively the [14] entire city, county and the immediate [15] surrounding region owe their financial [16] well-being to the one driving force of [17] medical care. On an

average night we can [18] have 1400 guests staying at our Sunstone [19] hotels. On peak weeknight occupancy we can [20] have over 2000 people staying in our hotels, [21] all four blocks from the railroad.

[22] The clientele who come to our city

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[1] are generally older and somewhat infirmed. [2] It is essential that the community provide a [3] safe, secure environment for these visitors. [4] The bulk of the remaining industries after [5] Mayo and IBM, which employs 6,000 people, are [6] primarily services to the two primary [7] employers. Sunstone, the company which I [8] represent, is the third largest private [9] employer in the community. We have 850 [10] employees. So you go from very large to very [11] small service industries very fast. We have [12] a fragile economy.

[13] The city has over 5,000 hotel [14] rooms, an inordinate amount for a city our [15] size, justified by the number of medical and [16] corporate visitors who come to our community [17] annually. We are a thriving destination for [18] international, regional and state [19] conventions. Nothing should be done to [20] endanger this industry whose infrastructure [21] is in place in the city. It is our belief [22] that 30 to 40 trains a day passing through

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[1] the city will do this.

[2] There are obvious dangers to the [3] local residential population and to the [4] transient population if the DM&E upgrade [5] through the heart of the city is constructed. [6] The upgrade will split the city in half and [7] make access to the south side of the city a [8] lot more difficult. Simply to keep the local [9] economy running automobile access cannot be [10] hindered in its flow through and around the [11] community.

[12] Emergency access, which is [13] something that we have regular demand for at [14] our facilities, is absolutely crucial at all [15] times of the day and night. The DM&E upgrade [16] could considerably hamper this as it relates [17] to the number of trains passing through our [18] city. Noise is a very real concern.

[19] Another concern is the danger of [20] derailment. Imagine, if you will, the need [21] to evacuate four high-rise downtown hotels [22] occupied by a market that is primarily 65 and

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[1] over and, generally speaking, of hampered [2] mobility. There aren't enough resources to [3] organize an evacuation if it is necessitated [4] because of derailment.

[5] When one considers other hotels [6] adjacent to the railroad, there are an [7] additional 1700 rooms for a total of 3,000 [8] hotel rooms within eight blocks of the [9] railroad, and by the way, approximately 1800 [10] hospital beds. What an awesome [11] responsibility to make a decision such as [12] this. I strongly urge the Surface [13] Transportation Board to deny the DM&E [14] request. Thank you.

[15] **MS. CAUCUTT:** I am Amy Caucutt, the [16] legislative policy analyst for Olmsted [17] County. My education includes an MBA as well [18] as a master's degree in industrial relations. [19] At one time I was an economics and business [20] management instructor at Winona State [21] University. I have followed this issue for [22] two-and-a-half years.

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[1] Sirs and madam, you simply must add [2] to your resource staff people who are skilled [3] in the discipline of economics if you are [4] going to rely on economic assumptions to [5] build a case for this project. In the short [6] Section, 3.2-1, the no action alternative in [7] the Minnesota volume you make a number of [8] statements which I suggest you research more [9] closely.

[10] The first step in reaching an [11] appropriate business solution is in asking [12] and then solving the right questions. Where [13] is your research? Where are your models? [14] Where is a complete regional cost benefit [15] analysis?

[16] You assume in this Section that [17] service and reliability are issues to the [18] DM&E shippers. What shippers? How many and [19] what percent of the economy are they? What [20] and how big are the issues. Are they big [21] enough to require a 1.4 billion dollar [22] solution?

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[1] You assume if this project fails, [2] "hundreds of trucks being added to the [3] roadways." How did you reach this [4] conclusion? A 1989 study in North Dakota [5] found that large unit trains which no longer [6] stopped at every local grain elevator led to [7] more truck traffic, not less, as trucks drove [8] greater distances to fewer access points.

[9] You assume "the existing conditions [10] of the rail line will continue to [11] deteriorate." Why? If you think that [12] competition leads to better service, and you [13] must or you wouldn't be countenancing a third [14] railroad for Wyoming coal given all the [15] environmental problems that you listed. The [16] fact that shippers can turn to trucks or that [17] no farm in southern Minnesota is further [18] than 40 miles from another grain hauling [19] railroad should help the DM&E improve or [20] rightly go out of business.

[21] You make dire predictions. Almost [22] up to a general prolonged recession in the

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[1] region if this application is denied. Get a [2] grip. Look at the economy of the entire [3] region. The projected job increase for the [4] entire state from this project is one quarter [5] the projected job relocations of one [6] employer, Pemstar, in Rochester if this [7] project is approved.

[8] In fact, if the question is DM&E's [9] viability, there are many other solutions [10] than in project. Find a buyer, as the DM&E [11] itself was for the Chicago Northwestern. [12] Sell to a government entity, as was done in [13] Wisconsin or in the Duluth area. Seek [14] funding from government loan or grant [15] programs.

[16] This coal train proposal is just [17] the solution for the biggest profit for DM&E. [18] Please don't try to use economic assumptions [19] to sell it as the best or only answer for [20] farmers, shippers or southeast Minnesota's [21] economy. Learn to ask the right economic [22] questions before you jump to the wrong

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[1] solutions. The biggest problem in business [2] management is solving the wrong question [3] correctly.

[4] **MR. RICE:** Robert Rice, citizen, [5] One year ago my wife and I made the decision [6] to move here because of the fine [7] characteristics of the area and the great [8] people. If we had known that this coal train [9] project could have gone through, we would not [10] have come here. As it is now, I would not [11] plan a convention here. I would not start a [12] business here.

[13] Also, I resent the wedge that the [14] DM&E, STB has put between the citizens of the [15] Olmsted County community. We have been [16] forced to consider options of how this could [17] be done, instead of the primary issue of [18] whether or not it should be denied. The [19] economic feasibility conclusion from the STB [20] is questionable at best. The stated project [21] costs of 1.5 billion, what has ever come in [22] less than double an estimate. I believe that

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[1] it will be three billion dollars, plus [2] interest, you will probably have — they [3] would probably have a four or five billion [4] payoff.

[5] If the DM&E should gain approval, I [6] don't believe that they would succeed. We [7] have heard several reasons why. The long [8] range future of coal in this country is [9] something like that of buggy whips a hundred [10] years ago. It's a little extreme, but it is [11] not a growing

situation.

[12] We have no specific evidence that [13] there is a secure customer base for the [14] business that DM&E would try to get. I don't [15] believe that there is a confirmed approval [16] environmentally of the coal barge hauling [17] from Winona down the river. If the DM&E did [18] get operational, I believe that they could [19] easily be taken over after they go bankrupt [20] or near to it by a large company who could [21] double track the route and put hundreds of [22] trains through here.

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[1] We must stop the coal train project [2] in order to save the quality of life and the [3] future progress economically in the Olmsted [4] County community.

[5] **MS. LIPSAY:** My name is Beverly [6] Lipsay. I realized that when I heard about [7] this particular program, that most people [8] would be speaking from institutions or from [9] various organizations. I decided I would [10] like to speak to you personally if I may. [11] The issue of safety will be my main focus.

[12] In 1958 I moved here from a small [13] North Dakota town where the railroad was a [14] Godsend. Not only did it offer a livelihood [15] to the neighboring farmers and to townspeople [16] like my brother and nephew, but also its [17] passenger trains offered us a connection to [18] the rest of the world and the possibility of [19] future adventures in travel to young people [20] like myself.

[21] As in many cities, the tracks [22] divided the town, north and south. It,

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[1] however, unlike Rochester, had medical [2] facilities in each division. Here on the [3] south side lie three hospitals, the Mayo [4] complex, and the only ambulance service, all [5] within a few blocks of the tracks. On the [6] north side lies only one medical facility, a [7] small branch of Mayo. The north side, it is [8] presently our largest growth area. Thus if [9] there were a blockage of the tracks caused by [10] a derailment, by a spill as mentioned, or [11] simply by a large number of cars delaying [12] traffic, lives could be in peril.

[13] The only recourse would be to drive [14] to Highway 52, cross the bridge on Second [15] Street, and then proceed to Saint Marys [16] emergency room. The delay could be life [17] threatening. As a result of the projected [18] increase in the number of trains passing [19] through Rochester, many of us are fearful, [20] and with reason. Already I have lost a [21] friend to the 11th Avenue Northwest crossing. [22] At Northgate Health Club I fainted in the

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[1] pool and had to be taken to Saint Marys by [2] ambulance. A delay could have meant my life.

[3] Another time, while driving to [4] Rochester Methodist Hospital where I work as [5] a volunteer, I began to have severe chest [6] pains. Ahead of me was a procession of cars [7] which suddenly stopped. A train was passing [8] by on the tracks ahead. I sat there [9] terrified for 10 minutes thinking I was going [10] to die. It was an angina attack, but again, [11] it could have been life threatening.

[12] Within recent months a spill [13] occurred in the nearby town of Byron. [14] Businesses had to be evacuated. If that were [15] to happen here, not only the medical [16] facilities could be endangered but also four [17] nearby senior high-rises, as well as the [18] residents of that area. Imagine the chaos [19] that could result.

[20] These proposed coal trains would [21] not provide any of those things that the [22] trains of my childhood did. Instead, they

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[1] would offer at least nine times more noise, [2] nine times more pollution, and also an [3] additional heavy tax burden. Finally, it [4] would additionally add nine times of fears. [5] How are you going to resolve this problem? I [6] sincerely hope that you will decide that the [7] expansion of DM&E will not be feasible here. [8] Thank you so much for listening.

[9] **MR. WILKINSON:** Hello, my name is [10] Forest Wilkinson. I am director of marketing [11] for Wilkinson Hardwoods. The rail line now [12] owned by Dakota Minnesota and Eastern first [13] provided valuable services over 100 years [14] ago. It provided transportation of goods to [15] the farming communities located along this [16] nearly straight east/west line. For over 100 [17] years the family of communities have grown [18] with the efficient and safe rail line [19] providing reliable service over the decades. [20] Towns like Lake Benton, Tracy, Lamberton, [21] Sleepy Eye, New Ulm and Mankato have made use [22] of this rail to move corn and soybeans, the

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[1] life blood of these agricultural towns. Not [2] only farm commodities but bulk items like [3] — [3] and cement production are safely moved on [4] this rail line for the benefit of these rail [5] towns.

[6] In recent years the DM&E provided [7] services to grain elevators during bumper [8] harvests throughout southern Minnesota when [9] larger and more prestigious rail lines were [10] effectively paralyzed. Towns like Winona, [11] Lew-

iston and Rochester enjoy inexpensive and [12] reliable electricity due to coal deliveries [13] to municipal power plants. The homes in [14] these towns are warm on February nights. [15] Computer monitors glow in school rooms, heart [16] monitors guard one's health, Mayo clinic [17] partly due to electricity generated from coal [18] transported on the Dakota Minnesota and [19] Eastern rail line.

[20] We have been told by the president [21] of DM&E that a major overhaul is required so [22] the little engine that could can continue to

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[1] offer the most efficient, ecological and safe [2] transportation of bulk commodities over land [3] available. Some have feared the project [4] along the private rail line with private [5] dollars would generate widespread job loss. [6] On the contrary, many long-term jobs will not [7] be lost, as we can expect if the DM&E were to [8] fade away.

[9] We must keep in mind the jobs [10] generated for hundreds of families' bread [11] winners in upgrading of this rail line. Also [12] reliable transportation is a major factor [13] when new businesses locate facilities, the [14] improved DM&E would be attractive to new job [15] creating businesses.

[16] Recent derailments are causing [17] irrational fears of greater rail traffic. We [18] must keep in mind that this is evidence of a [19] very real need of upgrading of this arterial [20] rail line. With improved facilities — and [21] other upgraded rail lines we can then expect [22] impressive tons per mile safety record as

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[1] seen on other modern rail lines. There is [2] also a misconception that hazardous materials [3] such as propane and ammonia will soon be [4] transported on the rail line, that this is [5] unacceptable. However, these materials are [6] currently handled on the DM&E now. The [7] alternative is to load these trucks and drive [8] them on the presently overtaxed and dangerous [9] Highway 14. If this were to happen we could [10] see a dramatic increase in heavy truck loads [11] on local roads, which in turn increases road [12] maintenance costs on local city and county [13] boards. Rail has a proven safety record over [14] truck travel for such hazardous materials.

[15] Some have implied that open top [16] coal cars will cause coal dust and hence it [17] will deter people from visiting this town. [18] My father used to live in Sartell and the [19] Mississippi River, and I traveled Burlington [20] Northern and they have many rail cars, many [21] coal trains and there is no dust in Sartell, [22]

Sauk Rapids. Also the local hospital in St.

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[1] Cloud is not complaining of noise and [2] vibration due to its proximity to this large [3] rail line, Burlington Northern and its heavy [4] track.

[5] So I think going forward with this [6] is a proper thing. It's allowing DM&E to [7] provide safe, vital, ecological and [8] inexpensive rail service. It's in the best [9] interest of Minnesota and all of us. I think [10] that's the way to go. Thank you.

[11] **MR. ROBERTS:** Good afternoon. My [12] name is Steve Roberts. I am a citizen here. [13] I have grown up and lived in this community [14] since 1960. I have a family and my property [15] butts up to the DM&E rail line. My home is [16] about a few hundred feet from the rail line. [17] The DM&E rail line currently goes over Silver [18] Creek and the Zumbro River, which is a direct [19] feed into the underground aquifer that [20] provides drinking water to my well. In [21] addition to all the other reasons you have [22] been informed about, my concerns are the

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[1] drinking water; how will my water supply be [2] protected; who is going to test and monitor [3] all the private wells along the DM&E tracks. [4] The projected coal dust pollution will affect [5] the quality of water that my family and many [6] other families drink. What happens in the [7] event of a derailment or a chemical spill? [8] With the awful safety record of the DM&E, [9] this is a real possibility of serious health [10] and environmental consequences.

[11] In addition, I live less than one [12] mile from the FMC, federal prison here in [13] town. That facility is only a few yards from [14] the rail line. In the event of a hazardous [15] spill or derailment there is no way the [16] inmates or workers could be evacuated from [17] that site.

[18] Property values. I make my living [19] selling real estate here in this community. [20] We have already experienced properties close [21] to the tracks that have either not sold at [22] all or have sold for less than the same home

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[1] further away from the tracks. My property [2] backs up to the tracks. If this upgrade were [3] to be approved I project a 25 to 30 percent [4] decrease in property values. I would urge [5] you to deny the upgrade for the DM&E [6] railroad. Thank you.

[7] **MS. SKOW:** Ms. Rutson and other [8] members of the panel, thank you for being [9] here. I am Roberta Skow, a farmer's wife, [10] Salem Township. I am against the bypass. [11] When I purchased

my farm, the first time I [12] saw it 45 years ago, the first thing I did [13] was determine will it be flooded. No. Are [14] there any trains close by, no. Or I wouldn't [15] have bought it.

[16] I am going to tell you a little bit [17] more about the farmer's viewpoint. Many [18] farmers, in fact I think you can find [19] statistics that mention, that you really need [20] about 1200 acres for an average family farm. [21] Many of these are located in different areas. [22] They have a farm headquarter and then they

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[1] have rented land all over a 25 or 35 square [2] mile area.

[3] This is true of our farms. We have [4] our headquarters on one side of the proposed [5] bypass. We have another farm on the other [6] side, and we rent other areas. Can you [7] imagine trying to farm if most of your [8] township roads are closed in the event of a [9] bypass for safety reasons. Therefore, you [10] would be moving slow moving machinery, very [11] large machinery, several miles to find a [12] county road that's open, and go around, and [13] you are going 20 miles an hour.

[14] The farm to market concept is a [15] federal concept and would be decimated. The [16] average 1200 acre farm provides 150,000 [17] bushels of grain per year. The average semi, [18] the grain semi holds 900 bushels. That would [19] mean if we didn't have a decent railroad, we [20] would have 150 semis from each average farm [21] traipsing down Highway 14. Right now it [22] takes you minutes, literally, and sometimes

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[1] more than five minutes, to get a semi onto [2] Highway 14, just to get it to your farm [3] headquarters.

[4] I also feel that many of the things [5] that are mentioned, panic attacks by [6] citizens, are because of the wrong or [7] exaggerated viewpoints that are handed out by [8] their leaders of their organizations. I feel [9] that this must be proved. If they think they [10] are going to get a bypass for 100 million, [11] I'm sorry, there are many of us that feel it [12] will be 200 million. All they need to do is [13] look at the chasm behind my house. So I [14] think they should be notified, the citizens, [15] of what really are the facts.

[16] **MR. RICCIOLI:** Hello. My name is [17] Vincent Riccioli. I have been a private [18] citizen of Rochester for the past almost 27 [19] years. Just in the last week I completed a [20] seven-week period of 36 radiation treatments [21] at the Charlton Building of the Mayo Clinic. [22] Since hundreds of patients share the

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[1] treatment rooms and it is important to be on [2] time for their treatments, you must allow [3] yourself time to get to the treatments. If [4] you take a chance on going the shortest [5] route, the way I normally do to Fourth [6] Avenue, and meet up with a train, you are [7] going to miss that treatment. Missing a [8] treatment is a serious thing.

[9] The other thing that really scared [10] me during these treatments, laying on the [11] table receiving the radiation is a precise [12] thing. You lay on the table, they just move [13] you — they tell you don't move. They move [14] you an inch here, a little finger pushing on [15] the other side. They want you to be exactly [16] on a small dot to the table, compared to a [17] small dot that they tattoo on your body.

[18] Can you imagine the fear that you [19] have when you hear a train going by. Is that [20] table going to move. Is the radiation going [21] to hit an organ like the bladder or the [22] rectum. This is the fear of many patients

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[1] now.

[2] When you increase it to 36 trains, [3] with a heavier load, I fear that I will be [4] afraid to go back to the Mayo Clinic to do [5] this treatment if I ever had to do it again. [6] I am sure this will be in the minds of many [7] other people.

[8] The other issue I bring up which is [9] similar, is the noise. I live in the [10] northwest side of Elton Hills Drive, and just [11] last Saturday night I was awakened by the [12] train whistle and it took me two hours to get [13] back to sleep. In the condition I was [14] because of the radiation, which they stress a [15] lot of rest, this is not a good thing. It's [16] bad for the health.

[17] So I implore you to stop the train. [18] We do not need it. It's just the thing where [19] people are looking for more money. We can [20] get coal from other people. Thank you.

[21] **MR. SHEPS:** I'm Sheldon Sheps. I [22] am an emeritus professor of medicine and a

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[1] physician specializing in diseases of the [2] heart and blood vessels. I am now a [3] consultant to the National Heart, Lung and [4] Blood Institute of the National Institutes of [5] Health, to the Pan-American Health [6] Organization and to the Association for the [7] Advancement of Medical Instrumentation. All [8] headquartered at Washington, D.C.

[9] I have lived in Rochester for [10] over 40 years and have raised my family here. [11] I cross the tracks four to five times

daily. [12] Perhaps once a week now I wait for a train to [13] pass. However, the proposal to bring 34 more [14] one-and-a-half mile long trains each day are [15] proposed. Up to eight rail crossings could [16] be closed simultaneously.

[17] The accompanying environmental [18] pollution and the interference with community [19] life with people must be considered [20] thoroughly. The DEIS fails to take into [21] account many of the issues in a [22] scientifically satisfactory fashion. I will

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[1] try to make four points.

[2] One, while there are fire stations [3] on both sides of the track, multiple stations [4] have to respond to a call to save lives and [5] property. The DEIS assumes that the trucks [6] can swing around long lines of waiting cars [7] and cut across when the gate is open. That's [8] not feasible on Broadway where there are [9] traffic medians. Emergency, police and [10] medical response times would rise [11] dramatically. Situations where seconds and [12] minutes count. Lives would be lost and [13] survivors would have a reduced quality of [14] life because they would remain brain damaged.

[15] Two, the trains will haul hazardous [16] chemicals in addition to coal. A derailment [17] could result in the loss of many lives. It [18] is impossible to move the hundreds of high [19] level prisoners from the federal prison 60 [20] yards from the track. The 150 patients or [21] more on life support in intensive care units [22] at the hospitals and the many elderly

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[1] citizens living in high-rise apartments. [2] These places are all close to the tracks. [3] Third, the impact on neighbor life [4] is woefully underestimated. I cross the [5] tracks to volunteer in an elementary school. [6] There are almost 400 school bus crossings [7] daily. What about the impact of the dust and [8] pollution on lung and heart health? We [9] didn't see that.

[10] Four, the noise and vibration [11] impact of these heavy rail cars was [12] adequately addressed. For example, the dozen [13] very sensitive MRI scanners at the clinic [14] which are located very close to the tracks, [15] and the sensitive instruments at the many [16] computer-related installation in Rochester; [17] they could not function properly.

[18] Rochester has been the number one [19] city in America a number of times in Money [20] magazine's annual survey. We would be last [21] with all these trains going through the [22] middle of town many times each day. The

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[1] impact on the life, on business would turn [2] away patients traveling to Mayo, markedly [3] reduce commerce, close hotels, shops and [4] restaurants and turn Rochester into a [5] wasteland. Thank you.

[6] **DR. GIBBONS:** My name is Ray [7] Gibbons. I am Mayo Clinic cardiologist. I [8] am here to talk about the impacts on the [9] emergency cardiac care. The EIS barely [10] mentions total daily blocked bussing time, [11] which is the most important thing for [12] emergency vehicles. Using the methodology in [13] the document one can compute that this will [14] increase 58 to 80 percent. Those are using [15] assumptions favorable to the railroad. More [16] realistically it will more than double.

[17] This is not just about ambulances. [18] It is not about our large hospital. It is [19] not about the fact that we have more [20] ambulances than anybody else. We have two [21] unique features. One is this. This is an [22] automatic external defibrillator. In

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[1] September the FAA mandated that they must be [2] on every airplane within one year.

[3] In October Congress passed [4] legislation that they must be in every large [5] federal building within one year. Why is [6] that? They save lives. If you keel over in [7] New York or Chicago your chances of survival [8] are two percent. If you keel over anywhere [9] else along this train route your chances are [10] about five percent. In Rochester your [11] chances are 40 to 50 percent, eight [12] to 10-fold higher because we have these [13] gadgets on every police car. Time is [14] critical. The data here shows that the [15] difference between dying and surviving is 36 [16] seconds.

[17] The second thing that's different [18] here are these gadgets. This is a balloon [19] angioplasty catheter. It is used to treat [20] heart attacks. It is better than the clot [21] busting drugs you have heard about. It is [22] only available in 20 percent of U.S.

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[1] hospitals. We pioneered its use in heart [2] attacks here.

[3] Time is critical. A team of four [4] people must respond on an emergent basis as [5] fast as possible. They are responding not [6] just for the citizens of Rochester but for [7] the citizens of this entire region who are [8] sent here emergently for that kind of care. [9] We have the best responsive time in the [10] world. They are the envy of every other [11] institution. They will decrease if the

[12] trains go through.

[13] In summary, we have the finest [14] emergency cardiac care system of any city [15] along this route. It is indeed one of the [16] best in the world. If you put the trains [17] through, it will cost lives. There is no [18] uncertainty about that. The only uncertainty [19] is exactly when the trains will get in the [20] way. Whoever approves this bears [21] responsibility for those lives. As a [22] physician, I would not want that

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[1] responsibility. Thank you.

[2] **MR. GERMAN:** My name is Don German. [3] I am a concerned citizen. Although I have [4] many concerns about the DM&E, I would like to [5] speak to one issue. That's human [6] environmental impact. More specifically, for [7] the East Side Pioneers Neighborhood, which is [8] the neighborhood that I am from.

[9] The railroad literally splits our [10] neighborhood in half and literally runs [11] through the back yards of our neighborhood. [12] This plan will affect our neighborhood more [13] than probably any neighborhood along the [14] route. I have heard people argue that the [15] railroads were here first. The other one I [16] have heard is that's what you get for moving [17] next to the railroad. These are both poor [18] arguments.

[19] First of all, our neighborhood is [20] one of the oldest in Rochester. There were [21] people living in that area long before the [22] railroad ever came through Rochester.

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[1] The second part of the argument is [2] just as poor. This isn't like building next [3] to an airport and complaining about the noise [4] of the airplanes. There has been a long [5] history of the railroad in Rochester. Never [6] before has there been any evidence to suggest [7] that there would be any increase in the [8] traffic of the railroad, and certainly no [9] evidence that would suggest the scale of [10] increase.

[11] Many of us bought our homes in this [12] area because it gave us the quality of life [13] of being close to town, a nice neighborhood [14] and affordable. The affordability becomes [15] very important for some of us because family [16] is what is important to us rather than [17] working a large number of hours to pay for a [18] beautiful home with a humongous lot. In my [19] case, I wanted an inexpensive home that was a [20] good quality of living for my children that I [21] wouldn't have to spend all my time working to [22] pay for.

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[1] To have the railroad come through [2]

our neighborhood without the full [3] consideration of the profound effect it will [4] have on the way we have chosen to live is [5] just wrong. I don't think that the corporate [6] profits — I don't think the corporate [7] profits is important as family. It really [8] isn't the national need but a corporate [9] profit issue. If there aren't enough profits [10] in it for the corporation to compensate the [11] people that it is hurting, maybe it's a [12] project that they shouldn't be doing. Thank [13] you.

[14] **MS. THEDE:** My name is Connie [15] Thede. I am the manager of purchasing at [16] Muscatine Power and Water, Muscatine, Iowa. [17] MPW is a municipal utility offering electric [18] and water telecommunication services for [19] approximately 30,000 residents of Muscatine, [20] Iowa; as well as some surrounding communities [21] for the water, utility and telecommunication [22] services.

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[1] MPW has three coal fired generating [2] units at our generating station located in [3] Muscatine, Iowa. Our current projections [4] include a need to receive approximately one [5] million one hundred thousand tons of coal [6] from the Powder River Basin annually. I [7] represent MPW here today to express our [8] support of the DM&E railroad efforts to [9] expand the railroad and build into the Powder [10] River Basin.

[11] MPW believes that this effort will [12] enhance the competition in the basin, and [13] that is a vital element in maintaining low [14] cost rates from that area and resultant low [15] cost electricity. As a small utility it is [16] imperative that we are able to obtain the [17] lowest cost available for rail transportation [18] in order to compete with the larger utilities [19] which surround us.

[20] Fuel and transportation are the [21] largest expenditures for generating [22] electricity, and we currently compete for

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[1] wholesale power sales. Having another source [2] from that area will enhance the competition [3] and presumably result in more competitive [4] rates in the future with savings passed on to [5] the electrical consumer.

[6] Muscatine, Iowa is located on the [7] eastern boundary of Iowa and our current [8] delivery carrier would interchange with the [9] DM&E at Owatonna. The routing to MPW is [10] comparable to our current alternative. DM&E [11] delivery carrier at Owatonna versus our [12] existing Ottumwa, Iowa alternative should [13] result in improved cycle times due to [14] operating parameters of the

two interchanges [15] alone.

[16] With the current movement to merge [17] railroads which limit competitive [18] capabilities this project provides the [19] opportunity to develop a third Class I [20] railroad into the basin to help offset these [21] mergers. With only two railroads serving the [22] basin, history has shown that seldom are both

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[1] sources operating at efficient levels. There [2] appears to be cycles of having to subsidize [3] one another during those periods. This [4] creates a monopolistic type of environment [5] for the shippers, which could be resolved by [6] a third carrier to assist in the balance.

[7] Another point that would be [8] beneficial to MPW and other utilities is [9] improvement to the utilization of rail car [10] investment. Due to the inability of the two [11] major carriers to achieve service standards [12] in past years, we, like other utilities, were [13] forced to acquire additional rail cars to our [14] requirement at substantial financial [15] investments. This leaves us with excess [16] capacity when the current railroads are [17] operating at optimum levels as they have this [18] year. This excess capacity continues to cost [19] utilities when the railroad's performance [20] turns around.

[21] In conclusion, the MPW believes [22] that additional competition will benefit all

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[1] shippers. It strongly support the DM&E's [2] efforts and hopes that they will receive [3] final authority and permits to construct the [4] project. Thank you for providing me the [5] opportunity to speak today.

[6] **MR. EDWARDS:** Good afternoon. I am [7] Richard Edwards, administrator of Charter [8] House, a continuing care retirement community [9] located on the campus of the Mayo Medical [10] Center in downtown Rochester, one of five [11] high-rise elderly housing structures [12] within 50 to 100 yards of the DM&E tracks.

[13] Charter House is home to over 400 [14] older persons, average age of 85, who come to [15] Rochester from 25 states and Canada to enjoy [16] their last with of piece of mind. They are [17] drawn by our proximity to world class health [18] care offered by the nearby Mayo Clinic, the [19] safety, cleanliness and convenience of our [20] neighborhood, and the reputation for [21] excellence our 280 employees have evolved [22] over the past 15 years. There are 190

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[1] households on our waiting list.

[2] The DM&E proposal is a real and [3] immediate threat to the safety, health and [4] welfare of Charter House residents and all [5] elderly people who live in downtown [6] Rochester, access its commerce or even travel [7] through. The DM&E proposal is a real and [8] immediate threat to the continued success of [9] Charter House as a recognized center for [10] excellence in service to the needs of older [11] persons. A preferred place to live, a [12] preferred place to work.

[13] How can that be. It's obvious. [14] Each of us is someone's child. Many here [15] have living parents or grandparents. All of [16] us should have or do have an older person in [17] our life we care about. Think about it.

[18] So if you love your mother or your [19] aging grandmother, would you want her to live [20] in a neighborhood where within 50 to 100 [21] yards of her home 12, 28 or 32 coal trains, [22] each a mile long, blaring through daily

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[1] around the clock. Trains routinely [2] increasing noise levels to ear shattering [3] decibels. Trains disrupting her need for [4] precious sleep. Trains generating vibrations [5] that might shatter her beloved Hummel [6] collection from the shelf. Trains blocking [7] up to eight crossings simultaneously on [8] streets she needs to drive for access to [9] shopping, church and visiting friends. God [10] forbid, trains owned and operated by a [11] company whose safety records is documented to [12] be among one of the worst in the United [13] States.

[14] As I have said, it is obvious, [15] trains and the health, safety and welfare of [16] older persons we love simply do not mix. [17] They are a certain formula for ruin. I do [18] appreciate that each of you is here today [19] just doing your job. Please appreciate that [20] how well you do your job will affect our [21] community forever. With your power comes [22] tremendous responsibility.

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[1] Having said that, I do question if [2] the 5,000 page, 600 pound report of findings [3] is an example of your best work. A reliable [4] basis for critical decision making. For me [5] it's bureaucratic boiler plate. The art of [6] the vague, the noncommittal. It lacks [7] believability.

[8] I reference chapter 3 beginning on [9] page 3.292 when you talk about the increased [10] frequency of trains coming through. It's [11] hard to believe that even increasing them [12] from the current three or four a day to 11, [13] we will have only one accident in every 12 [14] to 18 years or that if it's increased to 37 [15] trains per day we would have only one

[16] additional accident in 11 to 13 years.

[17] The point is that if the report is [18] to be a credible tool for understanding in [19] critical responsible decision making it's a [20] tool that needs repair, sharpening and most [21] certainly more time for study and analysis. [22] The future of our community is at risk. We

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[1] will not let the DM&E divide us literally or [2] figuratively and destroy our future. Thank [3] you.

[4] **MR. CAMPBELL:** My name is Malcolm [5] Campbell. I am speaking as a citizen. I am [6] a retired physician who has lived in [7] Rochester since 1957. I have lived south of [8] the DM&E rail line since 1965. So my access [9] to clinics and hospitals and government and [10] commercial operations is not affected by the [11] present DM&E route. I could say that the [12] projected increased railroad traffic won't [13] matter to me. But I am a citizen of the [14] entire city of Rochester and can plainly see [15] that my fellow north side citizens will have [16] their life adversely affected by having their [17] free access to the services I just mentioned [18] frequently blocked, sometimes to their great [19] peril.

[20] I am asking, what provisions will [21] be made for safely reconnecting the two [22] halves of our city if this upgrade is

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[1] approved and who will pay for it.

[2] **DR. PETERSON:** Good afternoon. I [3] appreciate the Surface Transportation Board [4] having come to Rochester to hold these [5] hearings. I am Dr. Noel Peterson. I am the [6] president of Olmsted Medical Center. Olmsted [7] Medical Center is a multi-specialty medical [8] group and hospital with branch offices in [9] 10 [10] of the communities that surround Rochester. [10] We employ approximately 110 physicians and [11] mid-level clinicians and 550 additional [12] staff. We provide primary and selected [13] secondary medical care to patients in [14] southeastern Minnesota. [15] OMC strongly opposes any increase [16] in the number of trains through Rochester. [17] OMC also opposes the use of a bypass around [18] our community. Many of the concerns that [19] apply to impact of health care delivery at [20] Mayo apply to OMC as well. Our main clinic [21] office and hospital is south of the tracks [22] and the majority of Rochester's population is

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[1] north.

[2] Although the majority of trauma and [3] cardiac emergencies are initially man-

aged in [4] Mayo facilities, a small percentage are [5] initially managed at OMC's. More of a [6] problem for OMC, however, are concerns of the [7] speed at which professional and support staff [8] can reach our hospital. Since we are a [9] smaller medical organization, we do not have [10] residents working for us. We depend on our [11] staff being able to promptly arrive and to [12] manage emergency medical situations. We have [13] time requirements for them to arrive at the [14] hospital, and time delays caused by these [15] trains may seriously impact the response [16] time.

[17] OMC does not believe that a bypass [18] around Rochester is a viable option for our [19] employees and patients. This bypass will [20] destroy hundreds of acres of prime [21] agricultural land and make medical, [22] commercial and personal transportation much

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[1] more difficult and less safe. Doing the [2] wrong thing in a different location does not [3] make it less wrong.

[4] We believe that the addition of [5] coal trains through Rochester is not needed. [6] There is currently ample capacity to [7] transport coal from the Powder River Basin [8] eastward by using existing lines. We have [9] serious concerns about the thoroughness of [10] the EIS. We believe the impact of noise, [11] vibration and air pollution in the Rochester [12] community has been significantly [13] underestimated.

[14] On a personal and perhaps a more [15] emotional note, the Rochester community has [16] worked very hard to make this one of the most [17] desirable American cities in which to live. [18] These efforts have resulted in larger, more [19] diverse population that is fully employed. [20] This expansion would seriously erode that [21] environment and the community's success.

[22] Concerns have been already been

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[1] raised about DM&E's safety record, making a [2] major disaster in Rochester a big concern for [3] us. The medical centers are close to these [4] tracks, literally making it impossible to [5] evacuate patients in the time of an [6] emergency. Some are critically ill.

[7] The DM&E expansion is not needed. [8] It is not wanted. We strongly urge the [9] Surface Transportation Board to reject this [10] expansion proposal. Thank you.

[11] **MR. LUSK:** I am Steve Lusk, [12] business manager at International Brotherhood [13] of Electrical Workers, Local 343. I am also [14] the president of the southeast Minnesota [15] construction and building trade schools. I [16] am here

speaking on the issue of the coal [17] trains.

[18] I believe the STB should take [19] several issues into consideration before [20] making any decision. These issues are: [21] Safety, infrastructure and long-term effects. [22] Safety is, in my opinion, the number one

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[1] issue to be considered. For example, what is [2] one life worth. If knowing the expansion of [3] the trains through Rochester is going to [4] markedly increase the risk of harm, is this [5] the thing to do. The answer is no. When [6] should government or any Board put people's [7] safety behind private interests. That answer [8] should be never.

[9] Who is to benefit? People should [10] always benefit from change. No one should be [11] put at risk because of change. An [12] infrastructure, the same holds true here. [13] When creating anything new we need to hold [14] safety as the number one concern. For [15] example, a bypass. What are the safety [16] concerns. A tunnel. What are the safety [17] concerns.

[18] There seems to be an awful lot of [19] concerns for costs. Very little concern for [20] safety. At every level of discussion I have [21] heard cost concerns. At no level have I [22] heard the word safety. Infrastructure is not

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[1] just associated with cost. Or better yet, [2] should not be just associated with cost. [3] Safety for all must be the overriding concern [4] for these types of projects.

[5] Long-term effects. Progress, the [6] key to progress is positively affecting the [7] majority. How can this project go on with [8] the least negative and most positive for [9] long-term for all. What are the options.

[10] In closing, these are the ideas I [11] believe the Surface Transportation Board has [12] to deal with. The issue should not be jobs, [13] costs or profit. The issue should be quality [14] of life, safety for the community, safety for [15] family. We are here to make this world a [16] safer place to live. Please consider all [17] these issues when making your decision. [18] Thank you.

[19] **MS. BATEMAN:** I am Sue Bateman. I [20] am a private citizen. I have three primary [21] concerns to talk about. First is air [22] pollution. As a Rochester resident for 57

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[1] years, I have enjoyed clean, clear, and — [2] except for the wealth of calls of geese and [3] ducks — relatively quiet air.

[4] The proposed 37 coal trains rushing [5] through our city would spread enormous [6] amounts of coal dust throughout our [7] environment, fouling our air, our homes our [8] downtown, our parks and our breathing. Coal [9] dust is not only gritty, it is downright [10] oily. It smears everything it touches, [11] requiring diligent and constant scrubbing. [12] Our snow would never again be white. Our [13] clothes would need constant cleaning. Our [14] very breathing is threatened. [15] Second, is noise pollution. [16] Those 37 trains speeding through town would [17] traverse 15 consecutive grade crossings. We [18] will have train whistles probably lasting [19] five or 10 minutes 37 times day and night. [20] Figure for yourself how constant those trains [21] whistle will become. Could we ever open our [22] windows, even during pleasant weather.

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[1] Third, of the DEIS's 5,000 page [2] report, exactly 28 pages are devoted to [3] proposed mitigation suggestions that's [4] dealing with the targeted communities and [5] rural landowners to reduce the obvious [6] nuisances this project will inflict upon us. [7] Their suggestions are that the applicant, [8] that's the DM&E, accede to the victims', that [9] is my term, concerns in the following [10] manners. I quote, "To the extent possible, [11] shall make reasonable attempts to notify, [12] shall insure whenever possible to the extent [13] practical, shall attempt to." Does this [14] sound like we in Rochester or any of the [15] others being targeted would have much to say [16] for this project and approval. I strongly [17] urge denial.

[18] **MS. MARCOUX:** Thank you. I am [19] Marcia Marcoux, a city council member here in [20] Rochester, Minnesota. First of all, I would [21] like to welcome you to our city and thank all [22] of you for taking this time to hear from many

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[1] of our citizens and business people about [2] their concerns and questions on this proposed [3] expansion. We also appreciate the time spent [4] by your staff and consultants over the past [5] two years in preparing this Draft [6] Environmental Impact Statement. To me that [7] shows that you were really concerned about [8] trying to research the many potential [9] impacts.

[10] It is very important to be sure [11] that the data used from our community in its [12] final decision is as accurate as possible and [13] reflects quality evaluation of the true [14] impacts. I do realize that you have gone [15] beyond your normal minimum of 45 days. But I [16] would respectfully request that you allow a [17]

total of 180 days for our responses.

[18] For example, I would raise the [19] issue of the base line existing train traffic [20] numbers used in much of your technical [21] analysis. Your Draft EIS uses 12 full trains [22] per day. We only have at most an average of

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[1] three. We also do not believe that there are [2] nine wave rate or switching movements each [3] day. Since wave rate and switching movements [4] involve much shorter lengths with much less [5] noise and vibration than through trains we [6] cannot understand why these should be added [7] to the existing base line.

[8] The issue of this number is [9] important because it affects all of the [10] technical analysis. If the route through the [11] city is approved, several grade separations [12] will be needed and a cost for these should [13] belong to the railroad, not the local [14] taxpayers. I would ask that you give some [15] direction as to the mitigation of impacts. [16] By this I mean looking at true costs involved [17] and who pays. This financial cost is not [18] addressed but is real.

[19] Please do not leave these issues [20] hanging out there and unresolved. Mitigation [21] and impact costs from railroads are a major [22] concern for cities, as we are left absorbing

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[1] that cost. Since the STB controls the rail [2] industry growth you need to direct that cost [3] to the railroad or else federal dollars need [4] to be directed without affecting other [5] transportation programs' needs.

[6] It is my understanding that neither [7] the Federal Railroad Administration nor the [8] STB addresses train length. This proposed [9] DM&E project suggests unit coal trains of 115 [10] to 135 cars or one-and-a-half miles long. At [11] that length eight crossings within Rochester [12] would be closed at one time.

[13] Currently one of the lines already [14] carrying coal from the west is starting to [15] experiment with 230 car unit coal trains. [16] There is nothing that will keep DM&E from [17] using the same number. Please consider the [18] true dollar cost, not only to DM&E but to [19] Rochester when you make your final decision.

[20] If you decide this project should [21] proceed, then you should order an alternative [22] route since the impacts on this community are

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[1] so great. Again, I would request that you [2] order a definite alternative and give [3] direction as to responsibility for

financial [4] cost. Thank you.

[5] **MR. ORWOLL:** My name is Greg [6] Orwoll. I happen to reside on the north side [7] of the town, therefore will be individually [8] affected by this proposal. I am an attorney [9] admitted to practice in Minnesota, the [10] Minnesota Federal Courts, and the United [11] States Supreme Court. I have eliminated many [12] of the comments I was going to make because [13] of in the interest of time and because many [14] other people have already made them.

[15] But I do want to comment on the [16] fact that for 32 years I was associated with [17] the Mayo Legal Department, 25 of them as [18] general counsel, and subsequent to that as [19] senior legal counsel and senior counsel. I [20] currently serve as chairman of Mayo's [21] emeritus staff. I, therefore, am pretty well [22] acquainted with Mayo. I am very concerned

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[1] about this proposal.

[2] Rochester is a town devoted to [3] service in an area previously devoid of the [4] problems these coal trains unquestionably [5] will visit on this community and this area [6] and Mayo. Mayo is a nonprofit charitable [7] corporation. It's the largest and best known [8] medical institution in the world. It means [9] too much to this area, this state, this [10] nation and the world to permit this damage to [11] occur.

[12] Mayo last year had 22,000 [13] employees. It served over 300,000 individual [14] patients. It had a huge education and [15] research budget in excess of 368 million [16] dollars. This was a tremendous benefit not [17] only to this area but to the whole country [18] and to the world.

[19] I think I will not comment further [20] along those lines, but I do want to comment [21] on the proposal that these trains go right [22] through Rochester. While I support the

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[1] no-build, should the Board not adopt it, [2] however, I favor the next best option, the [3] bypass. I realize some of the people in this [4] room do not want to hear that. But I think [5] in view of the tremendous damage this would [6] cause by going through Rochester, if the [7] proposal is not totally rejected I think you [8] have to look at the bypass.

[9] The loss to the citizens of the [10] Rochester area, its businesses and other [11] institutions would go uncompensated if these [12] coal trains go through Rochester. Whereas [13] any property involved in the bypass would [14] require full compensation to those few [15] affected by it, persons thousands

in [16] Rochester.

[17] Despite what is said in the Draft [18] Environmental Impact Statement, the [19] additional cost of a bypass should be paid by [20] the railroad, which will be creating the [21] entire problem and which stands to gain the [22] benefits, i.e., money. It would be an

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[1] unheard of proposition of law to require [2] payments from those potentially harmed to [3] avoid harm deliberately created by another [4] and for profit. Please don't let money for a [5] few decide this issue.

[6] **MS. DUKART:** My name is Debi [7] Dukart. I live in Rochester. Less than a [8] hundred feet from the existing line. My [9] husband and I bought our home in 1974 when [10] the previous railroad was attempting to [11] abandon the line. There are many, many [12] reasons for not wanting the coal train, but [13] those of us living close to the tracks have [14] many concerns that don't affect the rest as [15] much.

[16] The noise from the horns has [17] increased significantly over the last two [18] years. I know it's for safety, but it's very [19] upsetting when your son, who is in the army [20] and in the field calls and only has a [21] couple — I'm sorry — and he only has a [22] couple minutes to talk and a train goes by.

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[1] We can't hear what the other is saying and we [2] may not get to talk again for weeks. You [3] can't hear any conversation with the person [4] sitting next to you or hear the TV.

[5] The DEIS said it is a nuisance, but [6] it is really much more than that when it [7] startles you awake during the middle of the [8] night and you can't get back to sleep. [9] According to the DEIS, buildings located [10] within 100 feet of the rail line would [11] experience vibration at levels likely to [12] cause disturbance to the daily life. [13] Structures would experience damage such as [14] cracking of the walls, the foundation, plus [15] breakage of items falling from tables, walls [16] or shelves due to rattling as a result of [17] increased operating, weight, length and speed [18] of coal trains. Ground vibration is expected [19] to extend outward for several hundred feet, [20] affecting hundreds of homes in our area.

[21] Our neighborhood near the tracks is [22] home to many elderly, retired people;

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[1] single-parent families; multiple-job working [2] class families; minorities and the disabled. [3] The homes are mostly older affordable homes, [4] some dating back to the mid 1800s, of which [5] many

of us homeowners have invested heavily [6] in.

[7] My husband, children and I have put [8] our hearts and souls into remodeling our [9] home. Most of our spare time and money, [10] along with the help of many family members [11] and friends over the years. It is now almost [12] unrecognizable from the house we bought 26 [13] years ago. It is the home we had hoped to [14] spend the rest of our lives in. It breaks my [15] heart to know we have to leave it if the — [16] if the coal trains come through here.

[17] Living by the tracks as they were [18] for many years were a nuisance at times, [19] other times they are entertaining with at [20] most a couple of trains a day going by. But [21] even an increase up to eight trains a day [22] would be hard to live with. More would be

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[1] unbearable, impossible to live with. Coal [2] trains and neighborhoods don't mix.

[3] **MR. DIDIER:** I am Paul Didier, a [4] retired Mayo Clinic physician. I live three [5] miles from the railroad track, whether it's [6] bypassed or existing. I do have the [7] experience of having lived within a hundred [8] yards of the Peabody Coal Company track in [9] Freeburg, Illinois, during my service at [10] Scott Air Force Base. I lived there for 10 [11] months, and I can tell you from firsthand [12] experience that coal trains are noisy, and [13] they do — we went to melmac dishes because [14] the dishes kept falling off our shelves and [15] breaking. Melmac is a plastic dish and it [16] doesn't break.

[17] It's even worse when the coal [18] trains, the empty coal cars come back. They [19] are a lot noisier than the full ones and they [20] are a lot dirtier. Now, I presume if we are [21] talking about 37 coal trains a day through [22] Rochester, there is going to be 37 non-coal

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[1] trains, empty cars coming back. Otherwise [2] there is going to be a lot of coal cars in [3] Winona. I think that's something that we [4] should be apprised of, the fact that it is [5] two-way trip, east and west.

[6] Lastly, I would like to remind you, [7] late in the 19th Century great efforts were [8] devoted toward completing the [9] transcontinental railway. The government did [10] some bad things. The promoters did bad [11] things. Ultimately they have completed the [12] railroad. But they generated a term for the [13] type of people that resulted, robber barons. [14] I hope that we don't have to face the robber [15] barons again. Thank you.

[16] **MR. ZIMMERMAN:** My name is War-

ren [17] Zimmerman. Many of my concerns have already [18] been expressed, such as what this will do to [19] our city, the environment and the pollution [20] and the safety and the quality of life in our [21] city. Personally I just want to make this [22] comment. As a person who has had a TIA,

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[1] which is a small stroke, I am very concerned [2] about the trains blocking the route to the [3] hospital. As has already been expressed by [4] many people, I live on the north side of the [5] tracks. When I went to the hospital, was [6] taken to the hospital, luckily the tracks [7] were not blocked.

[8] But I do cross the tracks many [9] times during the week and I wait from eight [10] to 13 minutes at the tracks. Several times [11] this has happened to me. I have often [12] thought how traumatizing it would be to be [13] there if one were having an emergency like a [14] heart attack or a stroke. I would request [15] that you deny the request. Thank you.

[16] **MR. MACK:** Good afternoon. My name [17] is Dan Mack. I am here today representing [18] CENEX Harvest States Cooperative. CENEX [19] Harvest States is a regional cooperative [20] serving the agricultural needs of producers [21] and shippers throughout the United States, [22] including the geographic area served by the

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[1] DM&E Railroad.

[2] My objective is to lend CENEX [3] Harvest States' support to the efforts of [4] rural Minnesota and DM&E Railroad. CENEX [5] Harvest States supports DM&E's objective of [6] expanding, rebuilding their railroad [7] structure. CENEX Harvest States, in their [8] capacity as a commercial grain processing [9] company, ships in excess of 10,000 carloads [10] on the DM&E annually. Served by the DM&E, [11] CENEX Harvest States owns several grain [12] export facilities as well as the Mississippi [13] River terminal at Winona and soybean [14] processing plant at Mankato, Minnesota.

[15] In addition to the assets owned [16] directly, several Harvest States affiliated [17] local co-ops are also served by the DM&E. [18] Harvest States works closely with those local [19] cooperatives in terms of grain marketing and [20] transportation services. Harvest States [21] encourages the Surface Transportation Board [22] and those applicable regulatory agencies to

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[1] approve the DM&E expansion plan. Doing so [2] has significant and potential economic [3] benefits to the agricultural

customers of [4] both Harvest States and DM&E.

[5] Should the DM&E expansion and [6] rebuilding project not occur, CENEX Harvest [7] States has concern about the future [8] transportation services, facility asset [9] valuation and related transportation costs to [10] those shippers served by the DM&E. Some of [11] those concerns are, one, future viability of [12] the DM&E. Expansion and rebuilding will [13] provide for future cost effective [14] transportation securities for a significant [15] number of grain producers and grain companies [16] throughout South Dakota and Minnesota. [17] Particularly in western and central South [18] Dakota, shippers have few alternatives to [19] efficiently transport grain to market besides [20] DM&E. Many producers of grain come from —[21] areas of the DM&E, would have to transport [22] grain significant distances just to get to

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[1] the next rail carrier.

[2] Secondly, market access. The DM&E [3] plan allows for potential expanded market [4] access for their customers. Proposed [5] interchanges would present a number of [6] opportunities for grain shippers to keep [7] grain market that was previously physically [8] unavailable, perhaps priced so such [9] economically unavailable. This translates [10] into better prices for producers who are [11] ultimately the owners of the cooperative.

[12] Current railroad transport —[13] affects the overall economics of both [14] shippers and railroads alike. DM&E shippers [15] must remain competitive to compete with their [16] competitors that are located currently in [17] class I railroads. In addition to country [18] elevator terminals, grain elevators CENEX [19] Harvest States owns and operates soybean [20] processing and oil refining facilities served [21] by the DM&E railroad in Mankato, Minnesota. [22] Not only are soybeans originating on DM&E

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[1] presently, DM&E also provides transportation [2] services for a significant amount of its [3] crude and refined vegetable oil and meals [4] produced at that plant.

[5] Harvest States urges the Surface [6] Transportation Board and applicable federal [7] regulatory agencies to approve the proposed [8] plan as stated by the DM&E. Thus to allow [9] them to move forward on the project. [10] Conversely, Harvest States discourages the no [11] action alternative.

[12] MS. KLEIBERG: My name is Marianne [13] Kleiberg. I am a licensed

realtor. I am [14] here in place of Marilyn Stewart, manager of [15] Edina Realty who was called away. I am also [16] a railroader's daughter and I love everything [17] about trains, every bell, every whistle, [18] shaking walls and trembling ground underfoot.

[19] But as a realtor I am here to tell [20] you that the coal trains would have a [21] devastating effect upon our community. [22] Everyone who has spoken before me has spoken

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[1] far more articulately than I can as to the [2] effects on our quality of life, our community [3] dynamics, the health and safety of our [4] community and to the effects on property [5] values around the rail lines itself, and the [6] effect on property values from the point of [7] view of people living in one side of town and [8] trying to live, trying to work in the other.

[9] Part of my job, of course, is to [10] assist people in buying and selling houses; [11] but another large part of my job is to assist [12] companies and institutions in attracting [13] employees to our city. That has become an [14] increasingly important part of my job. I [15] believe that unless this coal train is [16] stopped, my job will be very difficult and [17] our community will suffer drastically from [18] being unable to attract the people we so [19] desperately need. Thank you.

[20] MR. SIPPEL: Good afternoon. My [21] name is Dave Sippel. I am an executive [22] vice-president and the chief technical

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[1] officer of Pemstar, Inc. Pemstar is a [2] Minnesota based, publically held, hi-tech [3] contract manufacturing and engineering [4] consulting company with 14 facilities [5] worldwide and an employment base of [6] over 4,000 people and annual revenues [7] exceeding 500 million dollars.

[8] Company headquarters are in [9] Rochester, Minnesota, with facilities on [10] Highway 14 West and Technology Drive [11] Northwest. Pemstar employs over 700 people [12] in Rochester and has consistently expanded [13] operations in Rochester since its [14] incorporation in 1994.

[15] Recently Pemstar was ranked [16] number 4 in the Minnesota fast 50 competition [17] who recognizes the fastest growing technology [18] companies in Minnesota. Pemstar has had a [19] positive impact on economic diversification [20] of southeast Minnesota and serves numerous [21] important constituencies in the state, [22] including Fortune 500 companies, a growing

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[1] supplier base, shareholders and employees.

[2] On April 7th, 1999, Pemstar's CEO, [3] Al Berning, wrote a letter to the Surface [4] Transportation Board expressing concern about [5] the DM&E coal train proposal. Part of this [6] letter reads as follows. Our company [7] operates a major lab and plant on 2535 [8] Highway 14 West in Rochester, Minnesota. The [9] facility property is adjacent to the DM&E [10] tracks. In addition to the health and safety [11] concerns of nearby at-grade crossings we have [12] several significant economic concerns with [13] the DM&E proposal. Our 2535 Highway 14 West [14] facility adjacent to the tracks designs and [15] builds complex electronic instruments and [16] equipment, which is affected by vibration of [17] passing trains. We invested approximately [18] five million dollars in facility enhancements [19] to the building. If the DM&E proposal [20] proceeds, with constant train traffic, we [21] will not be able to continue operations in [22] this facility and will incur a significant

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[1] loss on our investment.

[2] Since these expressions of concern [3] about Mr. Berning, Pemstar has continued to [4] win new precision automation business of a [5] highly technical and vibration sensitive [6] nature that will fill the Highway 14 West [7] facility and necessitate expanding into [8] adjacent facilities now being constructed. [9] The investment in facilities has increased [10] significantly. The effect of coal trains in [11] close proximity to these facilities would [12] likely cause Pemstar to move the facilities [13] at great cost and with very significant [14] economic impact to the company, the city of [15] Rochester and the State of Minnesota. So we, [16] therefore, request that you not support the [17] DM&E proposal. Thank you.

[18] MR. KUHLMAN: My name is Lou [19] Kuhlman. I am a grain marketing advisor for [20] farmers in southeastern Minnesota. I grew up [21] in a family-owned grain elevator business in [22] Byron, Minnesota. I have been a grain

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[1] merchandiser for 25 years and I represent [2] rural interests.

[3] Today's DM&E railroad is [4] deteriorating. Slow train speeds and [5] derailments caused by track problems add to [6] shipping costs for DM&E customers which are [7] passed on to farmers in the form of lower [8] grain prices. In the early 90s our elevator [9] business shipped up to 1500 cars annually on [10] the railroad.

It takes 6,000 semi trucks to [11] replace those 1500 cars from our business [12] alone. Since then rail service has declined [13] due to increased freight costs because of the [14] outdated railroad.

[15] The best rail service in these [16] modern business is provided hundred car unit [17] trains moving across the country and back [18] in 11 to 12 days or less. It takes the DM&E [19] nine days to move from one end of its line to [20] the other in comparison. The DM&E does not [21] have competitive access to other large rail [22] carriers. This does not allow farmers along

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[1] the DM&E competitive bids for grain during [2] the winter months due to the closure of the [3] Mississippi River. The DM&E connects [4] directly only to the export market at Winona.

[5] Upgrade of the line to handle more [6] efficient larger trains will open markets for [7] farmers in Minnesota along the DM&E to more [8] export and domestic markets. The USDA [9] estimates 10 to 20 cents a bushel in direct [10] benefit to farmers from these proposed [11] improvements in the rail line. Their [12] estimate at 10 cents a bushel amounts to 90 [13] million dollars annually in additional income [14] to farmers along the railroad. The share for [15] Olmsted and Dodge County farmers would be in [16] the range of one to two million dollars [17] annually.

[18] Today a client of our firm in [19] western Minnesota can sell to a hundred car [20] train on the Union Pacific Railroad for 20 [21] cents a bushel more than the elevator can at [22] Byron. Value added processing is very

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[1] important to Minnesota agriculture. I am a [2] member of the Board of directors at Alcorn, [3] the ethanol plant in Clairmont located on the [4] DM&E. This industry relies on competitive [5] transportation availability. Further [6] industrial development will occur along the [7] new DM&E rail line in the rural towns across [8] southern Minnesota. This means more good [9] jobs in outstate Minnesota, and healthy small [10] cities currently where we see decline [11] particularly in western Minnesota.

[12] The DM&E may not survive without [13] the ability to upgrade its existing line. [14] The DM&E deserves the opportunity to invest [15] in its own business. The investment into [16] transportation infrastructure will be paid [17] for by clean burning western coal needed by [18] our eastern cities to provide economical, [19] environmentally friendly electric power.

[20] Farmers receive better prices for [21]

their grain. Everybody knows where farmers [22] spend an additional dollar of income. It

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[1] goes right straight to Main Street Minnesota. [2] This project must be allowed to proceed for [3] all the right reasons. The benefits are [4] broad economically, geographically and [5] encompass a large population. The reasons [6] for blocking a better railroad are small and [7] supported by few in comparison. I urge the [8] STB to approve the DM&E's application for [9] upgrading and expansion of the railroad that [10] serves our communities and farmers.

[11] **MS. RILEY:** Thank you. My name is [12] Annie Riley. I live four blocks from the [13] tracks in the Kutzky Park neighborhood. I [14] have been a member of the Southeast Minnesota [15] Coal Train Coalition for over two years. I [16] would like to address my remarks to [17] Chapter 7, the Section of Environmental [18] Analysis, proposed environmental mitigation.

[19] This project is described as the [20] largest and most challenging construction [21] proposal ever before the STB. The impact [22] caused by construction and operation would

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[1] have significant environmental consequences, [2] some of which, such as noise, would be [3] difficult to mitigate. Are we simply to [4] endure the tornado-like roar of 37 trains a [5] day and the train whistles day and night.

[6] Out of 5,000 pages, only 28 have [7] been devoted to environmental mitigation. [8] If, as stated, the environment analysis has [9] taken the hard look required of the [10] environmental consequences, these mere 28 [11] pages with 104 mitigation measures are sorely [12] lacking in specific standards or [13] accountability.

[14] How do we comment on plans yet to [15] be developed or consultations that have not [16] happened yet and where are the teeth for any [17] enforcement. The document uses weasel words [18] such as to some extent, to the extent [19] possible, where appropriate, with the [20] applicant deciding, make reasonable attempts, [21] shall attempt to minimize, shall attempt to [22] reclaim. We want to see words like protect

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[1] and correct, solve, repair, reimburse and [2] resolve.

[3] Examples of proposed mitigation [4] which are far from adequate. Number one, [5] regarding emergency response. The applicant [6] only has to consult with communities to [7] coordinate train

movements and emergency [8] response and to discuss possible installation [9] of a train monitoring system connected to [10] traffic signals. This does not address the [11] concern of delay and response time for [12] emergency vehicles.

[13] Number two, the one specific safety [14] measure mentioned is the installation of [15] reflective material on the back side of [16] warning devices. Reflective tape is what we [17] are given to help insure our safety. There [18] is no discussion about addressing the [19] disaster caused by a derailment. There is [20] more protection for threatened or endangered [21] species and for restoring and revegetating [22] disturbed areas than for human beings.

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[1] Regarding noise concerns. There [2] are seven mitigation measures which talk [3] about developing a plan to address [4] construction noise and vibration control. [5] Where is the real mitigation. Because of the [6] significant environmental consequences and [7] their impact, and because of the serious [8] deficiencies in addressing the identified [9] significant environmental impacts, the only [10] reasonable action is the no build option. [11] Thank you.

[12] **MR. FLOTT:** I am Don Flott, a [13] resident of Rochester. I agree with most of [14] the speakers who are opposed to this project. [15] Most of my objections have already been [16] stated, so I won't take the time to repeat [17] all of those. I do want to follow up on a [18] couple of comments that were made.

[19] There was one lady who thought that [20] the emphasis on panic and medical problems [21] were exaggerated, as I recall. Then we had [22] Dr. Gibbons over here who held up the

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[1] defibrillator and showed you the emergency [2] equipment. Well, in 1994 I suffered from a [3] sudden death, cardiac arrest while I was [4] living in another city. If it had not been [5] for my wife, a patrolman and an ambulance, [6] which just happened to be on the right side [7] of the tracks, I wouldn't be here today.

[8] So I am living in Rochester now, [9] and the emergency response question is not [10] exaggerated at all. So I would hope that the [11] Board would deny this request for approval.

[12] **MR. GARRISON:** My name is Tom [13] Garrison. I am a conductor with the DM&E [14] railroad out of Waseca, Minnesota. I am [15] speaking on behalf of myself and some fellow [16] employees. The DM&E at this time is kind of [17] like running an interstate transportation [18] company on gravel roads. We have a worn-out [19] infrastructure here. One in

which — [20] fatigue, we have fatigued rail. Rail that is [21] worn out, things that are worn out. It's [22] kind of like trying to put a band-aid on

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[1] things.

[2] Without this upgrade this railroad [3] can't improve itself. We haul LPG gas [4] through Rochester, through other cities. We [5] haul anhydrous ammonia through other cities. [6] We do have derailment problems. Without this [7] upgrade, we will continue to see other [8] problems affected by this.

[9] The improvements of safety going [10] from the current system that we are on now to [11] the new railroad will make transportation of [12] dangerous commodities a much safer transport [13] system. With the upgrade will come new [14] signalling and control systems that will [15] transport the DM&E from an outdated railroad [16] to one in which will be the most [17] technologically freight railroad in the U.S. [18] and Canada. A system that runs without [19] signals today, one which will operate with [20] computers and communication back-up [21] protection. One that be dangerous to train [22] crews in which a switch can be thrown, train

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[1] crews not knowing about it, which could lead [2] to major accidents, serious injuries to crews [3] and the general public itself.

[4] The upgrade will vastly improve [5] grade crossings with installations. Blanket [6] gates with gates and lights and systems in [7] places that don't exist at this time today at [8] many intersections. The improvements in [9] grade crossings will lead to fewer grade [10] crossing accidents with new gates, new lights [11] and blanketed gates.

[12] Improvements in faster trains will [13] make for crossings being blocked for shorter [14] amounts of time, from 15 minutes to two [15] minutes, making for better emergency vehicle [16] access. We will go from a railroad that has [17] derailment problems to one that will be in [18] the same category as most major class I [19] railroads, with very few derailment problems.

[20] The DM&E will go from railroad to [21] rail now that's a hundred pounds, that [22] weighs 100 pounds. We are going to 136 pound

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[1] rail. One in which will cut down on [2] vibration problems. We are going to build [3] the road beds up. We go from a less [4] problematic railroad to one in which we can [5] haul grain from Tracy, Minnesota, down to the [6] port at

Winona. One that we can haul coal in [7] a energy crisis as we have now. We can't [8] depend upon foreign crude continually. We [9] have to use our own resources, like these [10] resources available throughout all parts of [11] the United States, in which we can and should [12] be less dependent on other energy sources [13] using our own energy and which in turn will [14] make the DM&E a vastly more improved [15] railroad.

[16] Without this, the viability of this [17] railroad will be lost, and could be lost. So [18] we are looking at out in the west no rail [19] service at all for a lot of these farmers in [20] a situation in which they depend on rail [21] service. Thank you.

[22] **MR. RECKINGER:** My name is Art

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[1] Reckinger. I am an engineer by training. I [2] am speaking as an individual. The right to [3] do business is nearly an unalienable right in [4] the United States of America. Thus, it is [5] presumed the right of DM&E to do business in [6] the United States, the State of Minnesota, [7] and the City of Rochester, assuming that the [8] proposed business is not illegal.

[9] DM&E's right does not appear to me [10] to be any different than that of the Mayo [11] Clinic, IBM or any other corporation. The [12] Rochester city fathers refuse to negotiate a [13] mitigation plan and have simply said no [14] trains. This makes it impossible for [15] citizens of Rochester and Olmsted County to [16] judge the true impact of either the trains [17] going through the city or via a bypass around [18] the city. Without a mitigation plan for the [19] city it is literally impossible to judge what [20] problems are solvable, what problems have a [21] residual impact and finally, to judge the [22] relative merit of problems of either route

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[1] through the city or via bypass.

[2] There appear to be technical [3] solutions for many of the asserted [4] insurmountable problems. A couple of [5] examples. The Mayo Clinic asserts that train [6] vibration will render their MRI systems [7] inoperative during train transit. If this is [8] truly a problem after the track is upgraded, [9] then the mitigation is simply to place the [10] scanning portion of the system on a vibration [11] isolation platform, which in its simplest [12] form is a slab of dense material such as [13] concrete supported on air springs with motion [14] dampers. This is an old technology and it is [15] extremely effective.

[16] Train noise. The upgrade of the [17] track with 12-inch drain ballasts and [18] continuous welded rail is expected to

[19] significantly reduce the noise levels versus [20] present track construction. Reduction [21] estimates range anywhere from 25 to 75 [22] percent. Further reductions might be

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[1] achieved with noise absorbing panels adjacent [2] to the track. This technology has been [3] successfully pioneered and implemented in [4] Europe with faceted barrier panels that would [5] cause generated noise to be directed upwards. [6] In Europe — track isolators have been [7] developed and are in use to help further [8] reduce noise and vibration.

[9] Presuming the DM&E has a right to [10] do business in the United States, Minnesota [11] and Rochester, it is imperative that a [12] mitigation plan be developed for Rochester [13] and presented to the people. Without [14] mitigation plan one cannot understand the [15] true and actual impacts of the proposal, nor [16] can one judge the relative merits of either a [17] city route or a bypass route. True cost and [18] true impacts after mitigation cannot be [19] assessed without that plan. Thank you.

[20] **MS. VENNERS:** Good afternoon. I am [21] Camille Venners. My husband Ed and I own a [22] computer education and data base management

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[1] business which we started seven years ago. [2] We have three adult children who grew up in [3] Rochester. I am against approval of the DM&E [4] expansion proposal and urge you to decide in [5] favor of the no build option.

[6] I am also urging the Surface [7] Transportation Board to extend the deadline [8] for response beyond January 5th, 2001. [9] Although I have been a resident of Rochester, [10] Minnesota, for 24 years, Detroit, Michigan [11] was my home until adulthood. Prior to moving [12] to Rochester I lived in the Washington, D.C., [13] suburbs of Arlington, Alexandria, Sterling [14] and Falls Church for approximately nine [15] years.

[16] Rochester is a unique city and I [17] treasure many aspects of this community. The [18] downtown area of Rochester is vibrant due to [19] Mayo Clinic and support businesses. [20] Currently there is no — there are some known [21] significant impediments to crossing safety [22] for emergency response vehicles with our

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[1] three to five slow moving trains. I am [2] concerned that crossing safety, as well as [3] the timely passage of emergency vehicles [4] through the city will be adversely affected [5] by an increased number of fast moving trains.

[6] Currently there are no bad areas in [7] the City of Rochester that you need to avoid. [8] I am concerned about the potential for bad [9] areas of the town to develop where the [10] quality of life, the character and vitality [11] and ultimately the property values in [12] neighborhoods near or adjacent to the [13] railroad track are adversely affected by [14] train noise and vibrations that would be [15] associated with that heavy, high speed [16] traffic.

[17] Currently there are no air quality [18] index problems to consider before going out [19] of doors as there are no heavy industries or [20] excessive vehicle traffic adding pollutants [21] to the environment of the city. I am [22] concerned that excessive pollutants will be

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[1] added to our air as automobiles wait for the [2] increased number of trains to clear the [3] streets. Currently there is no major [4] automobile traffic delay beyond what we wait [5] for for the current trains. I am concerned [6] that automobile traffic will become more [7] congested as more cars wait more often for [8] the increased number of trains to pass.

[9] Safety, noise, vibration and [10] potential auto exhaust problems are mentioned [11] in the DEIS but are considered as separate [12] issues rather than parts of a whole. Each [13] should be considered not by themselves [14] independently because as a whole they have a [15] much greater negative impact than the [16] individual parts. I find the DEIS to be [17] woefully vague and it needs to be more [18] specific regarding mitigation.

[19] Years ago, the beltway in [20] Washington had a big sign that proclaimed at [21] a juncture where they were doing some work on [22] the road, prepare yourself for instant

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[1] aggravation. Rochester residents might adapt [2] that slogan to prepare yourself for permanent [3] aggravation if the DM&E expansion is [4] approved. Please consider the no build [5] option.

[6] **MR. PETERS:** Thank you. My name is [7] Gene Peters. Thank you for allowing me to [8] speak. I am going to be speaking on the [9] impacts of the bypass south of Rochester and [10] how it will affect myself and other [11] landowners with regards to agriculture, [12] investment and the Olmsted County land use [13] plan.

[14] In 1990, because of urban [15] encroachment on my farming operation I looked [16] at other areas in the county to consider [17] relocating and investing in the updates that [18] were needed to

continue with my business of [19] farming. In the process of evaluating land, [20] I also looked at the county land use plan [21] which guides future urban expansion as well [22] as ag land preservation.

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[1] Olmsted County adopted a [2] comprehensive land use plan for all of [3] Olmsted County in 1978. This plan has been [4] in effect since then with an update done [5] in 1995. Because the county's land use plan [6] indicated continue ag preservation I chose to [7] buy a farm in Section 16 and 21 in Rock Dell [8] Township, and it's being pointed out up [9] there, and to make the needed investments to [10] allow me to continue to farm. This farm is [11] located adjacent to Highway 30, which is [12] a 10-ton all-weather road that allows me [13] needed access to my grain facility.

[14] Since 1990 I have invested over a [15] half a million dollars in grain drying [16] facilities, storage, land and improvements in [17] this land that allows me to continue to farm. [18] This facility has become the hub of my [19] farming operation, for which my family and I [20] operate a large cash grain operation.

[21] The proposed bypass cuts directly [22] through this farm one quarter mile north of

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[1] the grain handling facilities, cutting off [2] access to Highway 30. There has been to date [3] no change to Olmsted County's land use plan [4] which would allow this bypass. Nor has the [5] county or City of Rochester initiated such a [6] change. The proposed bypass makes a mockery [7] of those of us who use this land use plan as [8] a basis for investing in agriculture.

[9] To add insult to injury, I also [10] purchased a farm located in Section 17 of [11] High Forest township in 1997 that also has a [12] bypass option through it. This farm is also [13] once again shown as long-term agricultural [14] use. If this rail line is constructed [15] through my properties it will effectively cut [16] me off from my facilities for drying and [17] handling the grain and my best markets which [18] are located in Winona. This will effectively [19] destroy my business. [20] I am but one example of the impacts [21] this proposed bypass will have on southern [22] Olmsted County. There are farms and ag

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[1] producers all along this proposed bypass [2] which will be forever changed and/or [3] destroyed. The bypass will have a very long [4] impact, long-term impact and will speed up [5] the fragmentation in urbanization of rural [6]

Olmsted County. The issue has divided our [7] community like none other before us. I urge [8] you not to recommend the bypass option. [9] Thank you.

[10] **MR. GRISM:** Hi. My name is Kirk [11] Grism. I am a school bus contractor in the [12] city of Stewartville, district 534. I also [13] work in the Byron School District, [14] Number 531. I have been a school bus [15] contractor for 16 years. As you know, school [16] buses at railroad crossings is very dangerous [17] and a great concern of mine. School buses at [18] railroad crossings and new stops or bypass is [19] a very safety exposure I do not want to come [20] by. According to the bypass proposal, 31 of [21] the crossings would have no signals at all. [22] Those new stops for Byron would be 96 a day,

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[1] no crossings. Hayfield would have 32 a day. [2] My city of Stewartville has 168 a day. That [3] is mainly on 63. So it's a very big concern [4] of mine.

[5] Rochester would also have, if there [6] is a bypass, they would have an additional 96 [7] stops a day. We need to recognize that. [8] Eyota would have 32 a day. So the total is [9] over 400 new stops we would have for a bypass [10] for our school buses. That's a great concern [11] of mine. I have insurance on the buses and [12] the kids, and I am really worried about that. [13] Okay.

[14] The new bus drivers that I have [15] coming on and old ones, we have to teach them [16] how to make new crossings for the kids at the [17] crossings. Please.

[18] I do respect the concern that [19] Rochester has with regard to school bus stops [20] in their city. Any time a school bus has to [21] stop at a crossing, the children are exposed [22] to additional risks. However, I do not feel

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[1] that adding new exposure to the county and [2] the community is safe, let alone reasonable [3] and feasible.

[4] There are thousands of school [5] children in Olmsted County traveling the [6] rural highways, on roads to schools with [7] parents and driving themselves. A casual [8] look at the rural landscape, especially south [9] of Byron there, the safety of rural children [10] is important safety in the city of [11] Stewartville, Byron, Hayfield, Rochester and [12] Eyota. Thank you.

[13] **MR. ROUND:** My name is George [14] Round. I am a co-owner of Rochester [15] Hospitality Company. I have lived here in [16] Rochester my whole life. My partner and I [17] operate 10 small motels in Rochester. I am [18] here to speak to the

effect of this project [19] on the visitors to our motels and our medical [20] community.

[21] Who are these people. Senior [22] citizens from Iowa. Farmers from the

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[1] Dakotas. Middle agers taking their parents [2] to Mayo because their local doctor can't fix [3] what's wrong. Or parents with their ill [4] children. They have all come to our town for [5] help, maybe for a last chance for help.

[6] One of our motels is a small inn [7] located across the street from Methodist [8] Hospital. The reason people stay there is [9] that it is directly across the street from [10] the hospital. This location means everything [11] to these people. They need to be able to get [12] back to the hospital to see their loved ones [13] in a moment's notice. If it's two o'clock in [14] the morning and a nurse calls and says you [15] need to come now, these guests literally run [16] across the street. Many times it's for good [17] news. But unfortunately, sometimes the news [18] is not good. Sometimes the person is running [19] across to say a final good-bye.

[20] What is the impact of additional [21] trains in Rochester? What do we say to [22] someone in a car waiting at a crossing,

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[1] waiting to say their last good-bye. When you [2] folks arrived here in town you saw a lot of [3] people rushing around as you do in every city [4] you go to. The difference is that in [5] Rochester people rush around for things more [6] important than errands. Sometimes we rush [7] around for matters of life and death. Thank [8] you.

[9] **MR. SENJEM:** Good afternoon. Thank [10] you for the opportunity to provide brief [11] testimony. I am David Senjem, a 36-year [12] resident, an eight-year council member of the [13] City of Rochester. I appreciate the fact [14] that you chose Rochester as a site to hear [15] comments.

[16] Let me start by offering that 90 [17] days is not adequate to fully understand the [18] implications of the mammoth DEIS that we have [19] presented here today. Simply stated, we [20] minimally need another 90 days. That would [21] give us time to adequately comment on the [22] complex environmental issues presented by

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[1] this proposal. It also would align with the [2] time line set in state statute for the State [3] of Minnesota's assessment of the proposal.

[4] More specifically, the City of [5]

Rochester has grave concerns for the fact [6] that the STB has used a figure of 12 trains [7] per day moving through the city as a base [8] line for assessing significant environmental [9] impacts. We know the proper number to be no [10] more than three trains per day. DM&E's web [11] site confirms the number to be approximately [12] three. Clearly it is not 12. But to base [13] all of your assumptions and conclusions on [14] this number seriously flaws the entire Draft [15] Environmental Impact Statement.

[16] Even with this flawed assumption, [17] however, the report shows numerous examples [18] of serious noise, vibration, environmental [19] justice, emergency service, and reduced [20] property value impacts on the citizens and [21] businesses of our city. The city has many [22] other concerns known and yet likely not known

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[1] that will be addressed in writing.

[2] On a more positive note, the City [3] of Rochester applauds and seriously thanks [4] the Surface Transportation Board for its [5] willingness to consider a bypass as a [6] mitigation option. We pledge our full [7] cooperation in working with the Board to keep [8] this option open and viable.

[9] Let me close on a more passionate [10] note. Rochester is a great city. It is by [11] general consensus the home of the finest [12] medical institution on the face of the Earth. [13] Rochester has endured many challenges through [14] its history, including serious tornados and [15] floods. Each time we have dealt with the [16] issue and the city rose to new heights.

[17] This one, however, is one that we [18] can't solve by ourselves. This one is in [19] your hands. Ladies and gentlemen, the [20] long-term fate of one of the finest cities [21] and the finest medical centers in the world [22] rests in your hands and in the hands of the

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[1] Board that you represent. We need your help. [2] We are asking for your help. We pledge our [3] full support in working with the STB in [4] resolving this horrific threat to the [5] long-term future of City of Rochester.

[6] **MR. GARDINER:** That concludes the [7] list of people that preregistered. I want to [8] go back through the people that may have been [9] out of the room. I want to double check [10] that. Then I have a list of about seven [11] people who came today and signed up. I want [12] to go through those. But we will need to [13] take a break before our six o'clock meeting [14] and get something to eat. So we aren't going [15] to be able to get to the

people who have [16] spoken at previous meetings, unfortunately, [17] so we can have our break. But I would like [18] people. Let me quickly go through folks who [19] have signed up, who registered who we may [20] have missed.

[21] Kim Moccia. Loran Dedrick. Coreen [22] Bernatz. Sarah or Benjamin Scott. Mark

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[1] Baker. Russell Hird. Nellie Doyle. Niles [2] Hysell. Carol Breen.

[3] So I have seven names, I believe, [4] of people who haven't spoken before. The [5] first is Larry Nelson.

[6] **MR. NELSON:** I am Larry Nelson, [7] regional director for the Minnesota [8] Department of Natural Resources here in [9] Rochester. The Minnesota DNR has been [10] involved with the DM&E railroad expansion [11] project for more than two years, providing [12] information about natural resources on state [13] lands along the proposed route and providing [14] preliminary review of information being [15] developed to apply for Minnesota DNR public [16] waters permits and Corps of Engineers water [17] resources permits.

[18] The Minnesota DNR has also [19] participated in two surveys of railroad [20] rights of way and adjacent lands along nearly [21] the entire rail line in Minnesota. The DNR's [22] involvement has provided us with the

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[1] opportunity to assess the natural resources [2] that will be affected by the DM&E railroad [3] project. These preliminary comments will be [4] followed by detailed written comments prior [5] to the deadline on January 5th, 2001.

[6] The general reaction, DNR's general [7] reaction is that the proposed project would [8] have negative impacts on wetland, streams, [9] native prairie, forests, fisheries, wildlife [10] and recreation areas along the DM&E corridor [11] in Minnesota. The Minnesota DNR permitting [12] process will help avoid or minimize impacts [13] on the wetlands, streams and other protected [14] water bodies over which the DNR has [15] permitting authority.

[16] Where use of state lands is [17] planned, required easements could dictate the [18] impact on natural resources be minimized. [19] Likewise, the Corps of Engineers' permitting [20] process will help reduce impacts to water [21] resources under its jurisdiction. However, a [22] project of this scope would bring unavoidable

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[1] negative impacts on natural resources

that [2] could not be entirely mitigated. The DNR [3] favors project alternatives that minimize [4] impacts on natural resources and that [5] suitably address cumulative impacts.

[6] Some of the specific DNR concerns [7] include in vicinity of Lewiston, proposed [8] east staging and marshalling area is located [9] in an area of karst geology with a high [10] sinkhole density. Heavy railroad loads and [11] vibrations from rail yard activities may [12] exacerbate sinkhole problems. In addition, [13] any liquids spills on thin soil cover over [14] karsted bedrock will quickly enter and [15] contaminate the groundwater aquifer system.

[16] A second area, is while increased [17] rail traffic on the existing rail line [18] through Rochester would have significant [19] impacts on the city and residents, the [20] proposal bypass alternative would have [21] substantial impacts on natural resources. [22] The bypass would eliminate 53 acres of

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[1] wetlands, 62 areas of woodlands and 727 acres [2] of agricultural land and the rail line would [3] cross eight permanent streams, 28 [4] intermittent streams.

[5] The transfer of coal from the DM&E [6] to barges at Winona should have been [7] addressed in the EIS. Also, the EIS does not [8] address impacts on Winona from increased [9] Canadian Pacific railroad traffic of up to 20 [10] trains per day carrying coal transferred from [11] the DM&E.

[12] The final point is the cumulative [13] impacts and mitigation chapters and the [14] biological assessment appendix are poorly [15] written, repetitive and not very detailed. [16] In addition, the DEIS contains many [17] inaccuracies and inconsistencies and [18] omissions, making review of the document more [19] difficult. Thank you for allowing me to [20] present it. Thank you.

[21] **MS. BARTELS:** Thank you. I am [22] Susan Bartels. I live on a farm seven miles

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[1] southwest of Rochester. We have a half mile [2] dead end road and then we have a [3] three-quarter mile driveway. I imagine very [4] sincerely that if I were in danger of having [5] a heart attack that most likely at that [6] distance from our fine city resources, I [7] would maybe not make it. I mean this in [8] sincerity, when I say that I can think of no [9] finer place to die than on the family farm, [10] just as my mother and grandfather passed away [11] on the farm.

[12] So I am going to address a few key [13] points about our rural economy. In the [14] proposed bypassed option, a con-

servative [15] estimate of 888 acres of agricultural land [16] would be taken out of production. It's [17] important to note that the soil in Olmsted [18] County includes some of the most productive [19] land in the world, giving us a unique [20] resource. There is no way to replace lost [21] land resources.

[22] Our vision of the future needs to

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[1] include the ability to provide basic food [2] services and associated agricultural products [3] for future generations. One farmer feeds [4] over 130 people. In Olmsted County the [5] market value of products sold by farm [6] was 94,390,000 in 1995. Agricultural [7] business is a significant stimulus to retail [8] and service sectors in our area. Forty [9] percent of Olmsted County economy is [10] agriculturally based. The State of Minnesota [11] exports three billion dollars of agricultural [12] products annually, which ranks seventh in the [13] United States.

[14] Agricultural land also provides [15] flood absorption, cleansing of air, water [16] infiltration into the ground water, plant and [17] animal habitat, wetlands and hunting areas as [18] well as the beauty of open space. Our county [19] water quality must be preserved for all [20] county residents. Bypass construction [21] through karst geology, bays, wetlands would [22] be detrimental to our quality.

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[1] Rochester businesses and the Mayo [2] Clinic have a choice to build near the [3] tracks. The bypass would deny rural [4] landowners our choice. The word unique has [5] been used over and over to describe Rochester [6] and Mayo Clinic. I believe every community [7] in the world is unique. Every person is [8] unique. The rural sector of Olmsted County [9] is unique. The only equitable solution to be [10] reached is to consult on the issue with [11] sincere respect and for concerns of all [12] affected parties. Thank you.

[13] **MR. BROBERG:** Thanks for the [14] opportunity to have the hearing here in [15] Rochester today. My name is Jeff Broberg. I [16] am speaking on behalf of the citizens against [17] the bypass. I am a Minnesota licensed [18] professional geologist and a registered [19] environmental manager with the National [20] Registry of Environmental Professionals. I [21] own a firm that does environmental [22] evaluations.

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[1] I want to speak real briefly from a [2] geologist's perspective about the evaluation [3] of the bypass alternative com-

pared to the [4] Rochester upgrade. From a geologist's [5] perspective there are few human activities [6] that have permanent environmental impact. [7] Massive earth grading and water works are one [8] of them. The proposed bypass is a massive [9] grading project with over eight million cubic [10] yards of earth moved. The result of it will [11] be a line that you will be able to see from [12] outer space. All you would need to do is [13] look at air photos of historic rail grades [14] and lines and see the impact on water [15] resources, see the impact on the land, and [16] see the permanence of these rail lines even [17] years after they have been abandoned.

[18] From a geologist's perspective, [19] rail traffic is probably a temporary thing. [20] It may not be here in 150 years. But [21] creating a grade like the bypass proposed [22] will be here for eons or millennium. I have

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[1] presented on the screen behind you a [2] butterfly ballot that helps you evaluate the [3] impact of the proposed upgrade. I hope that [4] the Board will use this in their evaluation [5] of the permanence of the environmental [6] impacts that would occur with the bypass. [7] As you go down through the list and [8] you identify the upgrade alternative and the [9] mitigation measures that will occur, everyone [10] will agree that there are going to be [11] temporary and perhaps even long-term impacts [12] of the upgrade. But as you go through the [13] list of the impacts on land and soil [14] resources, surface water, ground water, you [15] will have to agree that the upgrade [16] alternative for the City of Rochester has few [17] of those impacts, and yet the impacts of the [18] bypass will be permanent.

[19] I think it's incumbent upon your [20] Board to consider this in terms of NEPA and [21] the environmental regulations and the [22] responsibilities we have to future

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[1] generations. Thank you.

[2] **MR. YECKMAN:** I want to take this [3] occasion to applaud the presence of the STB [4] and the Corps of Engineers. They are here as [5] a team as far as I am concerned, facing this [6] problem we have in this community. Ranging [7] from Winona, Minnesota, to the western range [8] of Minnesota, through North Dakota — South [9] Dakota, and into the Wyoming area.

[10] We have a problem here that is [11] unique in itself. I want to tell the group [12] here that they did a wonderful job in [13] presenting their side of the picture.

But we [14] have a uniqueness here that requires an [15] indepth observation of just what this problem [16] is all about.

[17] Webster defines the sovereignty of [18] the act of eminent domain as an act wherein [19] certain privileges sought by a minority or [20] maintained by a minority are overridden by [21] the proponents of the public that's affected [22] by what that minority is doing. This is a

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[1] consideration that is of upmost importance.

[2] As I listen to the presentations [3] today, it constantly came to my mind that [4] what you people are saying is that you have [5] no objection to a corporation looking for [6] profit, improved operations, contributing to [7] the welfare of our industrial barons, but you [8] do object to a society of people being upset, [9] being deterred from the normal way of life to [10] accommodate this situation.

[11] I have one more thing that I am [12] going to bring up, from the financial side of [13] the picture. You have 222 minutes based on a [14] three-minute delay for each train going [15] through, 222 minutes of lost normal [16] productive time that is impeccably on this [17] particular area. Thank you very much.

[18] **MR. PATTON:** I am Bob Patton. I am [19] with the Minnesota Department of Agriculture. [20] I too want to thank the STB for being here [21] and hearing testimony. I will try to keep my [22] comments very short. We do intend to submit

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[1] written comments.

[2] We are very supportive of this [3] project as a whole in terms of its potential [4] benefits to agricultural producers as have [5] been described already. We are very [6] interested, though, that impacts of this [7] project, alternatives and mitigations are [8] adequately described. Our focus and our [9] comments will be on operational impacts, [10] impacts to agricultural operations.

[11] The document currently describes [12] impacts in terms of merely loss of prime [13] agricultural land and really doesn't talk [14] about the impacts to farm operations as the [15] track is expanded through new areas as [16] described in the bypass discussion today. [17] One example that you will hear about tonight, [18] I believe, is the impact of the east staging [19] and marshalling area in Winona County near [20] Lewiston. The farming couple that is there [21] is severely impacted, all the crossings from [22] one side of their operation to the other are

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[1] lost. So they will have a three mile round [2] trip — or three mile one way trip to be able [3] to haul manure and grain on Highway 14, which [4] is a very busy highway, with slow farm [5] equipment. So it's going to very severely [6] impact their operation.

[7] You will undoubtedly, as you go [8] through this, hear about a lot of other [9] impacts. Those impacts need to be described [10] and alternatives proposed. There is no [11] alternative that I am aware of that's been [12] proposed for the staging and marshalling yard [13] or mitigation measures for those impacts. [14] Thank you very much.

[15] **MR. FOGARTY:** I promise to stay [16] brief here. My name is Dan Fogarty. Thank [17] you for stopping in and allowing us to talk [18] for a second. I speak strictly as an [19] individual. I represent no business or no [20] city today. What I am wondering, I have [21] really heard nothing today about what happens [22] when and if the trains get beyond the City of

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[1] Rochester or Eyota, as the case may be, it [2] gets to Winona. Is that the end of the line?

[3] I can't help but wonder about the [4] impact on Winona. There is nothing in place [5] down there now that can handle this type of [6] traffic. I assume there is something to be [7] built and not at the taxpayer's expense. I [8] don't know that for a fact.

[9] The other thing I am wondering [10] about is the Mississippi River. The [11] Mississippi is probably one of the greatest [12] national treasures that we have. The barges [13] floating on down the Mississippi through the [14] lock and dam system that was built in [15] the 1920s, that system is inadequate to [16] handle the traffic that's passing through it [17] today. There is a plan that's coming to the [18] surface now for rebuilding that lock and dam [19] system. That's very controversial as well. [20] That may or may not ever happen. I don't [21] know. But anyways, that's my concern. I am [22] wondering about the Mississippi.

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[1] When you think about the [2] Mississippi, I think most people would prefer [3] to think about the Mississippi Queen or the [4] American Queen or the Delta Queen or people [5] that are fishing on it or the pleasure [6] boaters on there. Coal barges do not come to [7] the front of anybody's mind when they are [8] thinking about that.

[9] So that being said, the other thing [10] I want to say is all of the lock and dams [11]

below the city of Winona undoubtedly will [12] have bottleneck traffic above it just for the [13] barges. That's going to make it increasingly [14] difficult to get pleasure craft through, to [15] get today's traffic through. Thank you.

[16] (Whereupon, at 4:40 p.m., an [17] afternoon recess was taken.)

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[1] EVENING SESSION

[2] (6 p.m.)

[3] **MR. GARDINER:** Okay. Why don't we [4] get started. Good evening. Thanks very much [5] for coming. We are here to talk about the [6] proposed DM&E expansion project. So if you [7] are here for the banquet that appears to be [8] going on next door, you are in the wrong [9] room.

[10] Just a quick show of hands, how [11] many people came this afternoon? Okay. [12] Great. Thank you. Just bear with us a [13] little bit; we are going to do the same [14] format we did this afternoon.

[15] My name is Charles Gardiner. I am [16] going to be the facilitator this evening. My [17] role is to help make this meeting as [18] productive as possible for all of you who [19] have come to provide comments and also for [20] the folks here on the project team who come [21] to hear those comments.

[22] I am going to cover a few

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[1] logistical items, some ground rules and so [2] forth for the meeting, then we have a short [3] presentation. But overall, our purpose for [4] the meeting today is the team wants to [5] describe to you a little bit the roles of the [6] different federal agencies that are involved [7] in the environmental review of the proposed [8] DM&E expansion. Also provide an overview of [9] the project itself and the results of the [10] environmental review that are captured in the [11] Draft Environmental Impact Statement. But [12] most importantly, our purpose here tonight is [13] to hear your comments on that draft [14] statement.

[15] So I am going to cover some of the [16] team introductions and some ground rules in a [17] moment. Then the team is going to describe [18] the Surface Transportation Board role. The [19] Surface Transportation Board is the lead [20] agency in the environmental review. There [21] are other federal agencies that are [22] cooperating with the Surface Transportation

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[1] Board, so we will describe the role of those [2] agencies as well. Then the overview of the [3] project and the environmental results and [4] then the

public comments.

[5] The team that's here to present to [6] you and listen to comments is Vicki Rutson [7] with the Surface Transportation Board. She [8] is the project manager for the environmental [9] review. Steve Thornhill of Burns and [10] McDonnell Engineering. He is the project [11] manager for the consulting team that is [12] working under the direction of the Surface [13] Transportation Board in preparing the Draft [14] Environmental Impact Statement. Also here is [15] Tim Fell from the U.S. Army Corps of [16] Engineers. He is going to describe their [17] role in reviewing potential impacts to [18] wetlands and waterways. I am Charles [19] Gardiner, I am the facilitator.

[20] Before I cover the ground rules I [21] want to cover a couple other things that you [22] probably picked up at the front door. The

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[1] first looks like this. It should have a blue [2] sheet on the front. It has our agenda. [3] Inside on the second page is a description of [4] our process for taking comments. First, on [5] signing up to speak, and then the ground [6] rules which I am going to cover in a minute, [7] then also how to provide written comments.

[8] Most importantly, on the back are [9] the addresses to which you can provide [10] written comments. The most important one [11] being the address of the Surface [12] Transportation Board. Comments are due by [13] January 5th of 2001.

[14] You also have a white sheet, looks [15] like this. It's a comment sheet. You can [16] use that during the meeting if you want to [17] provide written comments. If in your time [18] providing oral comments you can't cover [19] everything and you want to provide something [20] else in writing, you can fill that out and [21] leave it with us. Or you can take it home [22] and fill it out. It folds up as a self

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[1] mailer. You can use that to provide written [2] comments.

[3] You can also provide written [4] comments in other forms. If you want to [5] write something on your computer or whatever, [6] you can send those in as well. But this [7] might be useful tonight if you want to [8] provide any written comments.

[9] There is also a blue card. We are [10] going to try to cover in the presentation the [11] procedural aspects of the process, when the [12] comments are due, things like that. But you [13] might have a procedural question that we [14] didn't quite cover in the presentation; the [15] best way to ask that question is to fill out

[16] one of these, take it back to the folks in [17] the back, they will get it up here and we [18] will see if we can answer it.

[19] It is not our goal tonight to [20] answer questions about the Draft EIS. We [21] prefer that you reshape those into comments [22] on the Draft EIS. If there was something

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[1] that wasn't clear to you as you were reading [2] it, please tell us that. It is a draft. The [3] intent of these comments is to fix those [4] kinds of things. So if something isn't clear [5] or there wasn't adequate information, those [6] kinds of specific comments are best provided [7] as comments rather than questions.

[8] Lastly, you may have an orange [9] sheet that's up at the front. This is a [10] listing of libraries in Minnesota that have [11] copies of Draft Environmental Impact [12] Statement. So if you have not seen it yet [13] and you want to go look at it, it should be [14] available in these libraries.

[15] The ground rules for this evening. [16] First, it's very important that we just have [17] one speaker at a time. These microphones are [18] all on. This is a large room. So we are [19] trying to be sure that we capture the [20] comments that are being made. We have a [21] court reporter who is recording those [22] comments, and it's confusing to him if there

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[1] are several people talking at once. So I [2] would ask you to stay focused up front and [3] one person talking at a time.

[4] We are setting a time limit. We [5] have about 80 people signed up to speak. We [6] set a time limit of three minutes. You can [7] do the math; we will be here for quite a [8] while, even with just three minutes to speak. [9] So a couple of guidelines about the time [10] limits. Three minutes gives you about a [11] page-and-a-half of double space, maybe a page [12] of single space. So if you come with a [13] statement that's longer, you should start [14] thinking now about the key points of it and [15] make those key points as oral comments and [16] then leave us with the written statement as [17] the written comments. Please don't feel [18] obligated that you have to go through all of [19] your statement if it's longer than about a [20] page-and-a-half, because you are cutting in [21] the time available to people at the end of [22] the list. I am sure those folks would really

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[1] appreciate not being here at midnight to [2] provide their comments.

[3] The last ground rule is to respect [4] others opinions. We recognize that this is a [5] controversial project. There are

many [6] diverse opinions about it, support and [7] opposition, to components of it, or to the [8] whole project.

[9] The team is here to listen to all [10] of those comments. I ask your help in [11] insuring that they can hear all of those [12] comments. So you can certainly support other [13] speakers. Applause during their time will [14] cut into their time to be heard.

[15] If you have rebuttal comments, or [16] you have comments or grumbings in opposition [17] to something who is speaking, I encourage you [18] to keep those to yourself. Please keep your [19] comments directed up here to the team and be [20] constructive with those comments.

[21] So what I would like to do is have [22] everybody nod in agreement. Okay. That is a

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[1] good set of ground rules. We are going to [2] live by them, because those are the ones I am [3] going to work with.

[4] Now let me introduce Vicki Rutson, [5] who is going to start a short presentation [6] about the project.

[7] **MS. RUTSON:** Thank you, Charles. [8] Good evening, everyone. Again, I am Vicki [9] Rutson. I am an attorney with the Surface [10] Transportation Board's Section of [11] Environmental Analysis. I appreciate the [12] opportunity to be here with you this evening [13] and I am looking forward to hearing your [14] comments tonight on the Draft Environmental [15] Impact Statement.

[16] First, I would like to tell you [17] about the Surface Transportation Board. The [18] Board is an independent adjudicatory federal [19] agency located in Washington, D.C. The Board [20] itself is composed of three members. A [21] chairman, a vice-chairman and one Board [22] member. Linda Morgan is the chairman. The

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[1] other members are William Clyburn and Wayne [2] Burkes.

[3] Congress has given the Surface [4] Transportation Board the responsibility of [5] licensing certain railroad actions. Those [6] include railroad mergers, railroad [7] abandonments and the kind of action that we [8] are looking at here, rail line construction [9] proposals. The Surface Transportation [10] Board's involvement in the Dakota Minnesota [11] and Eastern rail line proposal began in [12] February of 1998. That's when DM&E submitted [13] an application to the Surface Transportation [14] Board seeking the board's authority to [15] construct a new rail line from DM&E's [16] existing line westward into Wyoming's Powder

[17] River Basin. DM&E's application also [18] proposed two rail line constructions around [19] the communities of Owatonna and Mankato, [20] Minnesota.

[21] This application triggered two [22] review processes at the Board. The first

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[1] kind of review that the Board did with this [2] application was called the Transportation [3] Merits Review. That review required the [4] Board to ask three questions. First, is this [5] applicant financially fit. Second, is this [6] proposal in the public interest. Third, is [7] there a public need for this proposal.

[8] Based on the information that was [9] in DM&E's application in February of '98, the [10] Board issued a decision. The decision was [11] issued December 10th, 1998. There the Board [12] found that DM&E's application met those three [13] criteria. In making that decision, though, [14] the Board made it very clear that the [15] decision was not final. The Board said that [16] because all the information was not before it [17] at that time, there could be no final [18] decision then. This is because the second [19] process at the Board under the National [20] Environmental Policy Act had just started.

[21] The NEPA review, National [22] Environmental Policy Act. NEPA review, in

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[1] this case has been a step involving many [2] processes. We started about two-and-a-half [3] years ago with scoping. We came out to the [4] project areas starting in Wyoming, Minnesota [5] and South Dakota and held meetings on the [6] scope of the Draft Environmental Impact [7] Statement. We got public comments on the [8] scope, and continued working on the Draft [9] Environmental Impact Statement.

[10] All that work culminated on [11] September 27th, 2000, when we issued the [12] Draft Environmental Impact Statement. The [13] Draft Environmental Impact Statement is [14] intended to accomplish a number of purposes. [15] The first is to disclose potential [16] environmental impacts that would potentially [17] happen if DM&E's proposal went forward. The [18] Draft EIS also discloses impacts from [19] alternatives to DM&E's proposal. This [20] includes the no action alternative.

[21] The Draft EIS also informs federal, [22] state and local agencies, affected

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[1] communities, interested landowners, ranchers, [2] farmers, tribes and all interested members of [3] the public on the potential environmental [4] impacts; and most importantly, seeks comment, [5]

public comment on the information in the [6] draft. Also in the Draft Environmental [7] Impact Statement are potential — excuse [8] me — preliminary recommended mitigation [9] measures; and in some cases, identification [10] of preferable alternatives.

[11] What happens next. Tonight we are [12] here to hear your public comments. When the [13] public comment period ends, which right now [14] is due to end on January 5th, 2001, the team [15] will then take all public comments, that [16] includes oral and written comments, all are [17] treated with equal importance, and we must [18] respond to those comments; and, if [19] appropriate, do additional environment [20] analysis.

[21] All this is done in a document [22] called the Final Environmental Impact

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[1] Statement. We will issue the Final [2] Environmental Impact Statement to the public, [3] and at that point the environmental review [4] process is complete. Then all the [5] information is in front of the Board, the [6] decision maker. The decision maker then will [7] be required to issue a final decision on [8] DM&E's proposal. All the information will be [9] before the Board at that point.

[10] Now, the Board, when it makes its [11] final decision, will have three choices, and [12] it must make one of these three choices. The [13] Board can either approve DM&E's proposal as [14] it was originally submitted. It can approve [15] DM&E's proposal but only if certain [16] mitigation measures occur first. Or third, [17] it could deny DM&E's proposal. Those are the [18] three options.

[19] Now, in issuing the Draft [20] Environmental Impact Statement the Board did [21] not work alone. We were working [22] cooperatively with five other federal

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[1] agencies. These other federal agencies also [2] have licensing roles in this process. The [3] other federal agencies involved are the [4] Forest Service, the Bureau of Land [5] Management, the U.S. Army Corps of Engineers, [6] the Bureau of Reclamation, and the Coast [7] Guard. There is another federal agency [8] involved as well, the U.S. Environmental [9] Protection Agency has a role rating and [10] reviewing the Draft Environmental Impact [11] Statement. We have two members of the EPA [12] with us in the audience this evening, Jim [13] Berkley and Mazin Enwiya.

[14] The EPA will also be reviewing [15] DM&E's 404 application. Tim Fell from the [16] Army Corps of Engineers will explain to you a [17] little bit more about exactly what that [18] means. With that, I will introduce Tim and [19] let him

explain about the Army Corps of [20] Engineers' role in this process. Again, [21] thank you for coming this evening. I am [22] looking forward to hearing your comments on

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[1] the Draft Environmental Impact Statement.

[2] MR. FELL: Thank you, Vicki. As [3] she said, my name is Tim Fell. I work in the [4] permit Section or the regulatory branch of [5] St. Paul district of the Army Corps of [6] Engineers. The St. Paul district will be [7] responsible for reviewing the project impacts [8] that would occur in Minnesota. Because the [9] project extends into South Dakota and [10] Wyoming, the Omaha district of the Army Corps [11] of Engineers will be responsible for [12] reviewing projects in that area.

[13] The Corps of Engineers permit [14] responsibility is based on two laws. One is [15] Section 10 of the Rivers and Harbors Act. [16] That refers to work that would occur in [17] navigable waters. The other law is called [18] Section 404 of the Clean Water Act. That [19] involves the projects that involve the [20] placement or the discharge of dredged or fill [21] material into other waters of the United [22] States such as rivers, lakes, ponds, and

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[1] wetlands.

[2] When the Corps is reviewing a [3] project, we must determine whether the [4] project is not contrary to the public [5] interest. But we also look at whether the [6] plans represent the least environmentally [7] damaging alternative. During that review [8] process there are many factors that are [9] considered. Some of these include wetlands, [10] wildlife habitat, economics, cultural [11] resources, land use and other factors [12] relating to the general overall environmental [13] concerns.

[14] Before the Corps is going to make a [15] permit decision we are going to be looking at [16] things that were included in the 404 permit [17] application, information in the Draft EIS, [18] information in the Final EIS, and we are also [19] going to be looking for the comments that are [20] made at public hearings like this. So please [21] provide your comments to us as well as to the [22] Surface Transportation Board so they can all

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[1] be considered before the Corps makes a [2] decision on whether to issue a permit for [3] this project.

[4] So with that, I would like to turn [5] it over to Steve Thornhill from Burns and [6] McDonnell. Thank you very much.

[7] MR. THORNHILL: Thank you. Good [8]

evening, everyone. My name is Steve [9] Thornhill. I am with Burns and McDonnell [10] Engineering. We are the firm that worked [11] under the direction and supervision of the [12] Surface Transportation Board for preparation [13] of the Draft Environmental Impact Statement. [14] What I am going to do this evening is just [15] take a few minutes to kind of hit some of the [16] high points of what's in the DEIS and some of [17] the information that it contains, some of the [18] conclusions that were presented. [19] I am going to start off just by [20] kind of going over some of the things that [21] were in the DEIS. One of those is a [22] description of the existing environment. One

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[1] of the things that the Draft Environmental [2] Impact Statement attempts to do is paint a [3] picture of what the environmental, natural, [4] human resources that are found in the project [5] area are, so the people have an understanding [6] of what's there, what's important, what's [7] valuable, what the resources that are out [8] there are. [9] The next thing that it does is it [10] discusses the various alternatives for the [11] proposed project. One of those alternatives, [12] as required under the National Environmental [13] Policy Act is the no action alternative. The [14] no action alternative and a number of other [15] alternatives for a number of different [16] components of this project were evaluated. [17] After discussing the different alternatives, [18] the impacts of those alternatives on the [19] natural and environmental resources of the [20] project area are presented and discussed. [21] Now, as has been mentioned, the [22] Draft EIS was released on September of 27th

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[1] of 2000. There is a 90 day comment period, [2] which will conclude on January the 5th. [3] Just real briefly, to hit on a [4] couple other things in the draft. The [5] purpose and need for the project has been [6] defined as kind of two things. One is to [7] provide DM&E the financial resources [8] necessary to rehabilitate its existing [9] system, thereby improving the efficiency and [10] safety of its existing rail traffic. The [11] second purpose would be by extending the [12] existing system into the coal fields of [13] Wyoming it would provide a third access to [14] those coal mines which would increase [15] competition for transport of the region's [16] coal resources. [17] There were four alternatives [18] evaluated in relation to extending the [19] existing system into the Powder River

Basin. [20] The first alternative, alternative A, is the [21] no action alternative. The second [22] alternative was alternative B, which involved

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[1] construction of new rail line generally [2] following the Cheyenne River through [3] southwestern South Dakota and into Wyoming. [4] The third alternative, alternative C, was [5] similar to alternative B but involved rail [6] construction in areas away from the Cheyenne [7] River to avoid sensitive areas in those [8] regions. The fourth alternative, alternative [9] D, involved reconstruction of additional [10] portions of DM&E's existing line, combined [11] with new construction along existing rail [12] corridors in the region in order to extend [13] DM&E's system into the coal regions. [14] Just to kind of highlight some of [15] the things that were presented in the DEIS [16] for the various states affected by the [17] project. In Minnesota, the project was [18] proposed to include the potential [19] reconstruction of DM&E's existing line across [20] the state. Also evaluated in the DEIS were [21] new construction projects or potential new [22] construction projects in communities of

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[1] Mankato, Owatonna and Rochester. There were [2] potentially three new rail yards that would [3] be constructed in association with the [4] project. [5] Some of the unique things that were [6] presented through the project area in [7] Minnesota included the many communities along [8] the line, both along the existing rail line [9] and in those areas proposed for [10] reconstruction, farms throughout the area, [11] the Mayo Clinic and its health care services, [12] sensitive riparian areas, primarily those in [13] this case along both the new construction [14] areas and the existing rail line, and flood [15] control projects present in the communities [16] of Mankato and Rochester. [17] In South Dakota, the project would [18] include the proposed new construction of rail [19] line westward into southwestern South Dakota [20] to reach the coal lines. It would also [21] include the rebuilding or the potential [22] rebuilding of DM&E's existing rail line.

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[1] There were two new rail yards proposed for [2] construction in South Dakota. Alternatives [3] for construction that were evaluated in [4] addition to those for extending new existing [5] system included alternatives in the Hay [6] Canyon area, the Spring Creek area and around [7] the community of Brook-

ings.

[8] Some of the unique characteristics [9] and concerns that were identified in the [10] South Dakota portion included impacts to the [11] Buffalo Gap National Grasslands in western [12] South Dakota, the many communities located [13] along the line, both existing line and in [14] areas of new construction. Impacts to farms [15] and ranches throughout the state. Impacts [16] again to sensitive riparian areas, in this [17] case particularly those along the Cheyenne [18] River. Impacts to the Angostura irrigation [19] project and impacts associated with either [20] the reconstruction of DM&E's existing bridge [21] across the Missouri River or construction of [22] a new bridge at that location near Pierre,

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[1] South Dakota. [2] In Wyoming, the proposed project [3] included the potential construction of new [4] rail line to access the coal mines. Would [5] include the proposed construction of one new [6] rail yard. There were alternative [7] constructions evaluated to access the Black [8] Thunder coal mine and the North Antelope coal [9] mine. Some of the unique things that were [10] identified included impacts to Thunder Basin [11] National Grassland and also to the numerous [12] ranches and ranchers located throughout the [13] area. [14] In conducting the analysis it was [15] determined that a number of environmental [16] resources would be significantly impacted by [17] this project. Not all of these resources [18] would be significantly impacted by all [19] components of the project, but some portion [20] of the project would have a significant [21] impact on these resources. [22] Those resources that would be

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[1] significantly impacted included safety. That [2] pertains primarily to safety at grade [3] crossings, highway rail grade crossings, [4] geology and soils, paleontological resources [5] or fossil resources, water resources, [6] wetlands, archeological and historic [7] resources or cultural resources, threatened [8] and endangered species, land use, noise, air [9] quality, esthetics, socioeconomics and [10] cumulative impacts associated with this [11] project as well as other proposed projects in [12] the area. In addition, environmental justice [13] impacts. [14] The final thing that the Draft [15] Environmental Impact Statement did was [16] discussed proposed mitigation or potential [17] mitigation that could be imposed by the Board [18] in order to minimize the impacts of the [19] project should it receive favorable approval. [20]

In general these mitigation measures were [21] applicable to all of the alternatives that [22] were evaluated or discussed in the DEIS.

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[1] Therefore, because they were somewhat general [2] in nature they could probably best be [3] described as best management practices. [4] Those are the kinds of things that would be [5] similar to use of silt fences or straw bales [6] to control erosion.

[7] Also discussed were a number of [8] mitigation measures that require coordination [9] between DM&E and various state, local and [10] federal agencies in order for those entities [11] to negotiate or develop plans or mitigation [12] measures that would address the concerns of [13] those agencies as well as address local and [14] other jurisdictional issues. However, in [15] proposing these mitigation measures and [16] recognizing the impacts of the project it was [17] determined that a number of impacts would be [18] difficult to effectively mitigate. So an [19] important component of the process that we [20] are in right now of receiving comments on the [21] project is that we would like to hear your [22] comments on what mitigation measures you feel

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[1] could be effectively used to reduce or [2] minimize the impacts of the potential [3] alternatives.

[4] Also included in the mitigation [5] measures was a discussion of negotiated [6] agreement. Those would be similar to [7] coordination but would involve the [8] development of plans or agreement between [9] interested parties or groups, other agencies, [10] communities with the DM&E to address the [11] concerns of those parties and communities. [12] The mitigation discussed and laid out how [13] these agreements needed to be submitted to [14] the STB so that they could be considered, and [15] as appropriate, imposed as conditions of any [16] approval of the project.

[17] So with that I will close. I thank [18] you for your attendance and thank you for [19] your comments.

[20] **MR. GARDINER:** Okay. Just a quick [21] review. Three ways to provide comment. Oral [22] comments today. Your written comments today.

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[1] either by submitting a prepared statement [2] that you have or by filling out the sheet [3] that you received. Or written comments in [4] the mail. As Vicki and Steve described, the [5] team will be taking all of those comments, [6] reviewing them carefully and responding

to [7] the substantive comments as part of the Final [8] EIS. So the Final EIS will include the final [9] conclusions of public comments and responses [10] to those public comments and all of that will [11] go before the Board as they make their [12] decision.

[13] Specifically the things we are [14] seeking comments on, the Draft EIS, which [15] includes a couple of other elements we have [16] not mentioned. Programmatic agreement deals [17] with Native American issues and the [18] biological assessment deals with threatened [19] and endangered species issues.

[20] The Section 404 permit applications [21] that Tim talked about, we are seeking your [22] comments on those, specifically on impacts to

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[1] waterways and wetlands. Third element is the [2] proposed forest plan amendments. Those deal [3] with potential impacts to Forest Service [4] lands.

[5] This is the way we are going to [6] operate this evening. We are first going to [7] take federal and state elected officials. We [8] have a list of people who preregistered to [9] speak; as I said, it's about 80 people. [10] There are some of you who have signed up as [11] you came in the door to speak. There are [12] others who have already provided comments at [13] other meetings such as this who have [14] expressed an interest in speaking.

[15] To the extent we have time [16] available we will get to those lists. Our [17] most important objective is to hear from [18] people who have not had a chance yet to [19] provide comments. The ground rules again for [20] those who came in late. First, is honoring a [21] time limitation. We set a time limit of [22] three minutes. We have done that primarily

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[1] in fairness for people who are down on the [2] list. I will be enforcing that time limit.

[3] Provide your name and affiliation, [4] please, for the court reporter, if you are [5] representing a group. That's quite helpful. [6] It's very important that you be concise. [7] Three minutes is not very much time; we [8] recognize that. Really think about your key [9] points; make sure that you make those key [10] points and submit the remainder in writing.

[11] With that, I will begin on the [12] list. There are several elected officials [13] that are here. State Senator Scheevel could [14] not be here for personal reasons. However, [15] State Representative Kuisle is here and State [16] Representative Bishop is here. Both of them [17] have asked me to allow Walter Mondale to [18] provide the initial com-

ments. So if Walter [19] Mondale is here, if he can come up and [20] provide some comments.

[21] **MR. MONDALE:** Thank you for [22] allowing me to say a few words here and thank

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[1] you for coming to Rochester to personally [2] hear from the citizens and to look at this [3] situation firsthand. I am from this region. [4] I grew up in several large metropolitan areas [5] like Ceylon, Aron Lake and Elmore. As I grew [6] up I came to be astonished by the [7] magnificence of the Mayo medical complex. [8] Then during my years in the senate, [9] when I served on both health subcommittees, I [10] became increasingly impressed by the national [11] reputation that Mayo has maybe the best [12] center of its kind in the world. Then when I [13] was Ambassador to Japan, again, I heard from [14] leading doctors in that region. So what we [15] have here is an extraordinary, special, [16] unique and I believe the best medical center [17] in the world. There are many reasons for [18] that. But one is that Rochester and this [19] region is a wonderful place to live. It has [20] repeatedly been rated as the most livable or [21] one of the most livable communities in the [22] United States.

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[1] When you come here, you can sit [2] down, you can think, you can teach, you can [3] practice medicine, you can do research and [4] that's what they have done until now. They [5] are the best there is. I am afraid that if [6] this unit train as designed comes through [7] this city as planned, it could disrupt and [8] endanger the magnificence of what we have [9] created here. The reason it is so good is [10] the best doctors and health professionals in [11] the world decide upon many, many great [12] options that they really want to be in [13] Rochester. It's because of the quality of [14] medicine and the quality of life and it's [15] because they can raise their children here [16] and feel good about it.

[17] This Board that has kindly come [18] here to hear about this proposal has the [19] power to ameliorate, to pick and work on [20] alternatives. I am here to personally say, I [21] am a public member of the Mayo Board, but I [22] have been in love with Mayo since I have been

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[1] a young boy. I have come here today to say [2] please take a hard look at this, because if [3] we damage this magnificent health center, we [4] will have hurt ourselves, we will have hurt [5] the state and we have done damage to [6] something very precious to all of us.

Thank [7] you very much.

[8] **MR. KUISLE:** Good evening. My name [9] is Bill Kuisle, and I represent district 31A [10] in the Minnesota House of Representatives. I [11] stand here tonight wondering what I can say [12] after a long day that would make a difference [13] here tonight. I can say at least I am [14] somewhat confused in representing this [15] district. We have community leaders that say [16] no to increased freight trains traveling [17] through the area, yet they openly seek [18] freight to come into the airport, that [19] eventually ends up in trucks and then the [20] noise that goes with it on the roads.

[21] They openly seek high speed rail to [22] go through the countryside at 180 miles per

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[1] hour, yet they complain about the freight [2] train that will travel at 45 miles per hour. [3] They talk about linking the Rochester airport [4] with the Minneapolis airport with high speed [5] rail, to bring more flights down here that [6] will increase the noise over Rochester, yet [7] they complain about the noise and vibration [8] that a freight train will create.

[9] One only has to sit at my house and [10] feel the windows shake as jets go overhead to [11] feel the noise and vibration from a jet is no [12] different than to the residents of Olmsted [13] County than that of a freight train. All I [14] can say is go figure.

[15] So when I can't find out what the [16] leaders want I talk to the residents. The [17] residents want answers. They deserve [18] answers. They have a right to know what the [19] effect of the freight train will have on [20] their lives. They deserve better than the [21] half truths that they are receiving from the [22] city and the railroad. They deserve to have

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[1] their concerns addressed.

[2] Now, for the bypass. We talk of [3] social justice issues in Rochester along the [4] present alignment, yet trample the rights of [5] the citizens who live outside the city [6] boundaries. We ignore those of German, [7] Norwegian and Irish descent that have settled [8] in the area along the proposed bypass. These [9] are the same ones who have made the area what [10] it is. Now because of politically [11] correctness we forget that they too should [12] fit into the protected class.

[13] The incomes of these people who [14] live along the proposed bypass is not much [15] different than those who live along the [16] proposed alignment — excuse me — the [17] current alignment. Social justice? I don't [18] see any with the

proposed bypass. I [19] presently represent both citizens along the [20] present route and those along the proposed [21] bypass. If you cannot address the concerns [22] of the citizens along the present route, you

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[1] have no business thinking you can address the [2] same issues along the proposed bypass route. [3] The bypass is simply a desperate measure by [4] desperate leaders that is a bad idea. Thank [5] you.

[6] **MR. BISHOP:** I also want to thank [7] you for the opportunity to speak to you. I [8] will follow up my comments with a written [9] comment and ask that you consider it later.

[10] I am David Bishop. I moved here 46 [11] years ago, out of law school to began [12] practicing law. I have raised my family here [13] until now. I, currently, and for the last 18 [14] years have represented part of Rochester in [15] the House of Representatives in St. Paul.

[16] What I have to say to you is that [17] you have heard and are hearing a compelling [18] testimony from many sides. But, in my [19] judgment, as a practicing lawyer, when we [20] have cases there are always two sides. It [21] wouldn't be tried to the courts unless there [22] were both sides. The jury and the judge have

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[1] to assess which is the more persuasive.

[2] What I suggest to you is that [3] anyone reading, and I believe that your [4] people reading and listening to the tape, [5] will find a compelling record reaching the [6] conclusion that this is truly a unique [7] community. I listened to Steve Thornhill and [8] showed him, pointing up on the Board the [9] unique characteristics of the South Dakota [10] communities. Uniqueness is something that [11] you will be looking at; to what extent is [12] this community unique.

[13] Mayo Clinic has been described to [14] you as the CEO, Dr. Hugh Smith, and by others [15] on the Board of trustees. I don't need to [16] repeat any of it. But I have been in the [17] hospital myself in the last year, and I know [18] how desperately the patients that are in the [19] hospital need sleep and they do not need [20] disturbances. They do not need 15 horns [21] going through 15 intersections three or four [22] times a night.

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[1] You must consider the proximity of [2] the development of the Mayo buildings. If [3] you can, before you leave just drive down [4] through the Mayo complex and see the extent [5] of what's going on. My

next point is not [6] only is it unique, but the total [7] environmental impact when you are looking at [8] environmental impact, you must include all [9] human impacts. What about the schools, how [10] many times will there be jeopardy. One of my [11] earliest cases was the death of a school [12] teacher killed at the crossing at 11th Avenue [13] Northwest when Chicago Northwestern didn't [14] have any gates. Now they have gates, but [15] that teacher has never been back.

[16] The schools are important. The [17] elderly are important in their high-rises. [18] The economic injustice was just mentioned. [19] Economic injustice to the people who have [20] developed here, billions of dollars in the [21] Mayo investment, and growing all time. The [22] sociological interference with all these

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[1] things.

[2] I would finally say to you that [3] railroads in the 19th Century were a priority [4] for our culture. We have desperately needed [5] them, we have used them for two centuries. [6] We are now in the 21st Century. Truly what [7] we have advanced is to recognize the [8] environment, the total environment, the human [9] environment. It is also air and water and [10] the forests and the use of our lands. Those [11] are all part of the environment.

[12] But basically if you prioritize it, [13] human safety and human economic justice and [14] human rights and feelings are the kinds of [15] things of people that are going to be [16] impacted really make up the dominant force of [17] the environment. I know you will attend to [18] that and consider it.

[19] Finally, we have, Mr. Kuisle I [20] believe will join, I can't remember, but I [21] know that Senator Kiscaden, Representative [22] Bradley, all asked formally for an extension

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[1] of 90 days for us to give — to take into [2] account and write comments out and to just [3] respond to the incredible breadth of your [4] draft statement. The incredible breadth that [5] you have already put together requires us to [6] have the same kind of depth and reply. So we [7] ask for another 90 days.

[8] Finally, I will tell Vicki Rutson [9] in particular that the standards that we were [10] asked, is this railroad financially fit for [11] the project. I seriously doubt it. I have [12] had a lot of experience with my own finances. [13] I am chair of the Ways and Means Committee [14] for this whole state in the House of [15] Representatives. I expect to continue. I [16] have tried repeatedly asking member [17] representatives of this railroad before

my [18] own committees and asking the president of [19] the railroad to respond and to discuss [20] matters with me, and they would not.

[21] I have been advised by members of [22] the administration, Ventura Administration,

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[1] that they have also asked the same kinds of [2] questions and we can't get the information we [3] need. I think that's a shortfall to this [4] railroad. They haven't proven that they are [5] financially fit to handle this kind of [6] project. Is there a public interest, is [7] there a public need for it. Not at all in [8] comparison to the need for quiet so patients [9] can have their sleep they need and for [10] continuance of this unique medical complex.

[11] Deny this application. Let them [12] find a way to get the coal from Powder River [13] Basin on the existing lines. There is no [14] compelling public interest and public need [15] for it. They are not financially fit. Do [16] the right thing for total environmental [17] impacts and deny it and recognize that this [18] community will be totally bisected. We will [19] have two Twin Cities in the State of [20] Minnesota if you grant this petition.

[21] **MR. GARDINER:** That concludes the [22] state and federal elected officials that I

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[1] have on my list.

[2] **MS. ENTRIKIN:** My name is Gail [3] Entrikin. I am coordinator for the [4] Southeastern Minnesota Coal Train Coalition. [5] This is a group of various groups from [6] neighborhoods and from environmental groups [7] and other interested citizens. Tonight we [8] are going to barely finish what time there is [9] on two concerns that we have about the Draft [10] Environmental Impact Statement.

[11] The first is its adequacy. The [12] members of our group worked really hard to [13] understand the NEPA process. But as we began [14] to understand it we expected that the Draft [15] EIS was to be specific and it was to [16] accurately describe the environmental impacts [17] and the preferred alternatives. Instead, we [18] have found a lot of omissions. Just one [19] example, in discussing the east terminal at [20] Lewiston we find no mention of the [21] precautions which must be taken in a yard of [22] this size and weight related to karst geology

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[1] which is there.

[2] We can't be sure that this is [3]

discussed somewhere in the document because [4] it is unindexed and we haven't been able to [5] find every reference to Lewiston I am sure. [6] But in reading about the yard we don't find [7] any place any mention of the fact of the [8] troubles that Lewiston has had with karst [9] geology, such as the loss of seven million [10] gallons of partially treated sewage in [11] February of 1991.

[12] Another instance, this summer we [13] read in a number of newspapers stories about [14] the PRB mines announcing production cutbacks. [15] We don't find any comments about the impact [16] of these announcements. How that will affect [17] DM&E's competition with two large carriers [18] that are already there.

[19] Another instance, in volume [20] one, 3.2, page 110 to 113, which is entitled [21] Further National Policies, half of the cites [22] which are given related to the information

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[1] there come from Edison Electric Institute. [2] That's a utility advocacy group. We want to [3] know where some of the other groups that are [4] informed about energy and about national [5] energy policy are in this discussion. They [6] are not cited and their positions are not [7] given.

[8] In the same Section regarding coal [9] pollutants, only sulphur is mentioned. What [10] will be the impacts of PRB coal on nitrous [11] oxides, mercury and carbon dioxide levels. [12] In discussing scrubbers, which is again in [13] that same Section about — they are noted [14] that they are very expensive alternatives. [15] However, you neglect to mention that the cost [16] of the alternative to the scrubber, while not [17] as expensive to the utility, is very [18] expensive to those of us who are along the [19] line and will have various mitigation impacts [20] to pay for.

[21] Another omission in the Draft is [22] Mississippi River impacts. Obviously you

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[1] deliberately eliminated that earlier. But an [2] Edison Utilities executive recently commented [3] that he was looking forward to barge traffic [4] to the Mississippi utilities.

[5] Finally, instead of stating a [6] preferred route in Olmsted County you have [7] decided regarding the proposed bypass to [8] continue the scoping process. You are [9] accurately describing the impacts and we [10] don't like them at either place. We support [11] a no build option and wish that you would [12] pursue the alternatives listed through the [13] Federal Rehabilitation and Financing Act and [14] other private and public possibilities of [15] replacing the needed — or con-

tinuing the [16] needed agriculture and small business [17] services. Thank you very much.

[18] **MR. SCHMITZ:** Good evening. My [19] name is Raymond Schmitz. I am the Olmsted [20] County Attorney. I have a few comments which [21] will later be supplemented by later written [22] submissions. The applicant has supported

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[1] their position by the need to fund an upgrade [2] of the existing line. In the record I can [3] find no evidence, and you have not explored [4] any other options for such funding.

[5] For example, the 3.5 billion [6] dollars that are available in subsidized [7] loans under the Railroad Rehabilitation and [8] Improvement Financing Program. Secondly, in [9] the DEIS you provided no monitoring authority [10] to supervise the multiple construction [11] projects involved, and no other agency can [12] exert such control because of your [13] pre-emption. Even with the best of [14] intentions major damage to the environment [15] could occur without close control of this [16] project.

[17] Third, the applicant asserts the [18] addition of a third competitor into the [19] Powder River basin is in the nation's [20] interest. A study by North Dakota State [21] University, Upper Great Plains Transportation [22] Institute done for the Federal Railroad

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[1] Administration, a part of the U.S. Department [2] of Transportation, concludes that class I [3] railroads are a natural monopoly and that one [4] line serving a market is better than [5] duplicate lines. The author states, and I [6] quote, "all of these findings suggest that it [7] may be more beneficial to address rate and [8] service problems in the rail industry through [9] policy that strengthen regulatory oversight [10] rather than through policies of introducing [11] or maintaining competition."

[12] Fourth, the DEIS suggests that many [13] issues be resolved through conformance with [14] state or local laws. Your pre-emption of [15] state laws has been interpreted to preclude a [16] permit process in the states. Minnesota is a [17] permit state. We do not have specific laws [18] covering many of the issues that you suggest [19] be resolved by that process. You need to [20] examine state controls if this is the process [21] that you are requiring.

[22] Fifth, the comment period is

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[1] entirely too short. The DEIS does not [2] propose alternatives for most of the major [3] problems, leaving to the affec-

ted communities [4] the development of mitigation and solutions. [5] This by itself is sufficient reason for an [6] extended delay, but the DEIS is also woefully [7] inadequate.

[8] Sixth, you have declined to make [9] available comments on the DEIS during the [10] process. I would urge you to reconsider this [11] and use the docket system to allow us to see [12] the comments without going to your offices. [13] The DM&E will see them. The public will not. [14] This I would suggest is entirely inequitable [15] and unfair.

[16] **MR. HUGHES:** Hello. My name is [17] John Hughes. I am here as a concerned [18] citizen from Rochester. I am going to speak [19] specifically about the proposed bypass route. [20] There are many impediments to the [21] construction of a railroad line as concerns [22] this bypass route.

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[1] First, the general topography. The [2] Rochester consultant's report outlines [3] several cuts of 20 feet, one at 32 feet and [4] fill heights up to 43 feet. There would be [5] very significant soil disruption from the cut [6] and fill, leaving open wounds on the land. [7] There would be an immediate need to mitigate [8] wetland impacts. Wetlands are our nature's [9] filtering system and we rely upon this [10] natural process for our drinking water.

[11] There is a bird called the [12] loggerhead shrike that is on the threatened [13] species list, and it has been observed in [14] Section 6 of Salem Township, and this [15] proposed bypass bisects that Section. Then [16] in Section 19 of Salem Township we have very [17] many features. The most important of which [18] is the Salem Creek ravine, which is about 90 [19] feet deep. The ravine exposed rock walls. [20] Extensive amounts of fill would be required [21] before an actual bridge and trellis could be [22] constructed. In fact, the consultant's

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[1] report states the Salem Creek bridge is [2] about 250 feet in length and yet the ravine [3] over 1200 feet across. So that would require [4] almost 1,000 linear feet of towering fill.

[5] The side slopes alone would fill a [6] significant amount of the ravine and change [7] its character forever. Holding so much fill [8] in place would be a challenge, and erosion [9] would likely occur. The otherwise clean [10] waters of Salem Creek would be muddied and [11] silt deposit would fill in and alter habitats [12] for miles downstream.

[13] Other numbers from the Rochester [14] engineering report simply don't

make sense. [15] There is a distance of 94 feet between [16] existing elevation and design elevation for [17] the Salem Creek bridge, yet the bridge runs [18] only 28 feet above the creek bed, according [19] to the numbers in the report.

[20] The coal trains approaching the [21] bridge will be braking upon the approach and [22] will put tremendous strain on the tracks and

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[1] structures supporting the bridge. This [2] comment is aimed at, this bridge will not be [3] something that is cookie cutter. It's going [4] to require detailed site specific [5] engineering. You cannot apply general [6] material cost estimates to the situation and [7] expect a reasonable figure. The TKDA [8] consultant report fails to provide a [9] reasonable estimate for this cost. So this [10] cost is just a huge question mark.

[11] Section 19 is also home to rare [12] species and plant communities. Construction [13] and fill would alter and adversely impact [14] these natural areas. Also Section 19 [15] contains a concentration of sinkholes and [16] karst topography. Sinkholes can open up [17] anywhere in Olmsted County. However, [18] evidence of their formation is high in the [19] Section 19 area. In contrast, the existing [20] rail corridor passes over areas of low or low [21] to moderate probabilities of sinkholes over [22] the entire length in Olmsted County.

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[1] If I may, one more sentence. As a [2] Rochester and Olmsted County taxpayer I [3] cannot endorse the use of public funds to [4] inflict damage upon the few remaining natural [5] areas in the county. Thank you very much.

[6] **MR. LaPLANTE:** My name is Michael [7] LaPlante. I am president of the East Side [8] Pioneers Neighborhood Association. We are [9] located on Rochester's east side next to [10] downtown. We represent approximately 1600 [11] residents. We are in an economically diverse [12] neighborhood whose older affordable homes are [13] ideal for first time home buyers and those [14] with lower income levels.

[15] Our neighborhood is home to a [16] number of elderly retired people as well as [17] beginning families, single-parent families, [18] minorities, multiple-job working class [19] families and the disabled. Current school [20] enrollment statistics on students and their [21] families within 400 feet of the track in our [22] neighborhood reveals a significant

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[1] environmental justice area with a number at [2] or below poverty level. Just

one area along [3] the south corridor, along south of the DM&E [4] Railroad corridor, and since it's track 2, [5] reveals 53 percent of the students in block 2 [6] were eligible for free and reduced price [7] lunch. Twice the poverty level.

[8] We have invested a great deal of [9] time, money, hopes and dreams in homes and [10] property. Recent crime and overdevelopment [11] negatively impacting these investments were [12] met with a collaborative effort between [13] determined neighbors and churches, as well as [14] local government service agencies to make our [15] neighborhood safe and attractive place to [16] live once again.

[17] Now, after all our efforts, the [18] DM&E's dream of a coal pipeline from Wyoming [19] to Minnesota will rip a gaping hole through [20] the heart of our neighborhood association, [21] torpedoing our hopes and dreams as well as [22] all that we have struggled physically and

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[1] financially to accomplish.

[2] Moreover, neighbors' hopes have [3] turned to anger and resentment as it becomes [4] evident that a number of impacts in the DEIS [5] seem to be rationalized away by a distant [6] governmental agency hellbent on promoting the [7] DM&E coal train. The STB's acknowledgement [8] in the DEIS of impacts on neighborhoods [9] including property devaluation fade to inane [10] suggestions. Neighbors were insulted by the [11] STB's cavalier suggestion that construction [12] workers may buy housing or seek temporary [13] lodging in neighborhoods close to the new [14] DM&E corridor as a possible solution to [15] depressed property values.

[16] Mitigated solutions in this [17] document are minimal and feeble at best. It [18] is the profound hope of this neighborhood [19] association that the Surface Transportation [20] Board rewrite the DEIS, transforming it from [21] just another economic impact statement to an [22] Environmental Impact Statement with real

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[1] considerations and solutions to all [2] alternatives, including the no build.

[3] **MS. KING:** Kathy King, farmer in [4] Rock Dell Township. President of Citizens [5] Against the Rochester Bypass. City officials [6] of Rochester and representatives of Mayo [7] Clinic and the hotel industry expressed their [8] concerns no one will choose Rochester for [9] medical care if the DM&E upgrade is approved. [10] However, in the words of the Mayo Foundation [11] Department of

Development's own letter, what [12] brings you to the Mayo Clinic, "a young man [13] in need of medical care," quote, "look for a [14] doctor who had expertise." This search [15] brought him to Mayo Clinic. Nowhere in [16] Mayo's own letter did the young man ask if [17] the city had a railroad that hauled coal. In [18] fact, in Lake City, Minnesota, Mayo Clinic [19] built a new clinic and nursing home [20] approximately 500 feet from a busy rail [21] track. Are Lake City patients and elderly [22] less important?

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[1] Rochester city officials and Mayo [2] representatives are justly proud of their [3] city's expansion. However, Rochester city [4] officials and Mayo Clinic also loudly decry [5] the country's use of coal energy. Growth [6] requires energy. Rochester gobbles up [7] approximately 84 percent of the energy used [8] in Olmsted County. Rochester city is powered [9] nearly one hundred percent by coal energy. [10] Coal energy fuels 56 percent of U.S. energy [11] needs. Internet has increased energy [12] needs 10 percent. When the City of Rochester [13] puts solar panels on the roof of the [14] government center and Mayo Clinic builds a [15] wind farm, then we in the rural area will [16] believe they care about alternatives to coal [17] energy and less about their bottom line.

[18] The proposed bypass routes put [19] forward by Rochester and Mayo Clinic have [20] impacted people's lives and decisions over [21] the last few years, and if successful will [22] have serious future impacts. Parishioners of

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[1] Holy Redeemer Church in Eyota face [2] desecration of their turn-of-the-century [3] cemetery because the bypass route cuts into [4] the cemetery.

[5] What happens to graves of family [6] members of Holy Redeemer Church parishioners. [7] At the same time graves are being disturbed [8] in Holy Redeemer cemetery, Rochester mourners [9] may have to wait two minutes to enter the [10] gate at Oakwood cemetery.

[11] Rochester gets its water from [12] aquifers along the bypass route, which are [13] highly sensitive to surface water pollution. [14] We have a map that explains that. Yet its [15] bypass cuts 30 or more feet deep through the [16] soil and into the bedrock over these [17] aquifers. These are open wounds which will [18] infect your water supply.

[19] Then Cindy and Loren and Loren's [20] dad John had planned to drill a well for [21] their new home on pristine prairie land in [22] the Salem Township the day after Rochester

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[1] proposed the TKDA bypass. Loren's family [2] chose to wait to build. However, Mayo Clinic [3] and Rochester builders kept trucking along. [4] Mayo added to Charter House and continued its [5] expansion north directly towards the current [6] DM&E tracks. Rochester built Riverview Plaza [7] and now complains that more people live along [8] the rail line. Both Mayo and Rochester [9] continue to build after the fact of the DM&E [10] expansion request was known.

[11] People make choices. Cities make [12] choices. Businesses make choices. We need a [13] decision based on law, not politics. We need [14] a decision based on truth and fact. We need [15] a decision with no extensions beyond [16] January 5th, 2001.

[17] MR. HAZELTON: Okay. My name is [18] Ted Hazelton, and I live in Minnesota City. [19] That's about 40 miles down the track at DM&E [20] mile marker 4.9. DM&E is in my back yard. [21] Personally I really don't see any problem [22] with them in my back yard. The DM&E started

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[1] out as the Winona and St. Peter Railroad. [2] It's been around since the 1870s.

[3] Rochester chose to build next to [4] the tracks. Rochester was not there before [5] the railroad. In fact, here's an excerpt [6] from an article. The City of Rochester was [7] eager to have the road pushed through their [8] town and offered a bonus of \$30,000. For a [9] while the company seemed likely to build to [10] Rochester. In fact the Rochester Post, in an [11] article dated February 7th, 1890, said there [12] is very little opposition to Winona, or in [13] Winona, to the building of the road to [14] Rochester.

[15] Now, \$30,000 in 1890 is an [16] equivalent of over 300,000 today. Why is it [17] that Rochester a hundred years ago wanted the [18] railroad to come into town, offered them [19] bonuses to come to town, but now they want [20] them out of the town. This Rochester bypass [21] is just a big — for lack of a better [22] expression, a waste of time, energy and

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[1] money. The railroad was there first. The [2] railroad should prevail. Also in here, I [3] believe the EIS statement makes up several [4] recommendations. I believe they have studied [5] the area and made definite attempts to work [6] it out.

[7] Then as far as safety goes, you [8] always hear about people complaining oh, we [9] are going to have to wait for the train, [10] there are going to be 34 trains a day and all [11] this. It seems funny that the train count [12] keeps going up and up

and up. At 100 million [13] tons a year, which the DM&E won't be hauling [14] until 10 years from now, equates to 25 [15] trains, not thirty some odd trains.

[16] Look at it this way, if the tracks [17] are upgraded through Rochester, the average [18] wait would be about two minutes. Any [19] stoplight in Rochester holds up traffic [20] for 12 hours, by a red light. So I don't see [21] what the big complaint is. I support the [22] DM&E. I hope that the STB allows it to

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[1] proceed. Thank you.

[2] MR. OUILLETTE. Good evening. My [3] name is Peter Ouillette. I am a resident of [4] Rochester. Locally employed. I come here as [5] a concerned citizen. The purpose of the [6] Environmental Impact Statement is to inform [7] you or the STB of what impacts this decision [8] may have. As a citizen of Rochester, I have [9] been encouraged in countless instances [10] through the media to help stop the coal [11] trains. I have been bombarded with negative [12] statements from concerned groups and local [13] government officials warning me that [14] Rochester faces something that will, I am [15] told, devastate our community.

[16] But tonight I wish to tell you that [17] I will not encourage the STB to stop the coal [18] trains. First, in my opinion the negative [19] statements are often overblown and [20] underinformed rather than factual. I very [21] firmly tell you that I do not believe them.

[22] Second, the fact is that the DEIS

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[1] discusses plausible means of mitigating [2] DM&E's impact on Rochester without requiring [3] the use of an expensive and detrimental [4] bypass around the city.

[5] Third, the positive economic [6] impacts clearly identifiable for many of the [7] communities served by DM&E place the project [8] in the public need.

[9] Fourth, it is in the public [10] interest that rail freight transportation [11] remain viable, vibrant and useful. It saves [12] our highways from unnecessary wear from [13] increased truck traffic, and saves our [14] environment for the same reason. Balanced [15] against this in the City of Rochester's case [16] are citizens who face possible devaluing of [17] their property. Their legitimate needs [18] should be addressed, but not, I repeat, not [19] at the cost of stopping this project, which [20] hurts a large number of farmers, railroad [21] workers and communities.

[22] In an informal and unofficial way I

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[1] represent the silent segment of Rochester's [2] citizens. I represent the people of [3] Rochester who are not kept awake at night by [4] trains, whose property values are in no way [5] threatened and who do not have to cross main [6] line train tracks at grade to get to work.

[7] However, if a bypass around [8] Rochester is required to be built, and if the [9] city is required to pay for a portion of it, [10] then I and the many other people of Rochester [11] like me will have to help pay for it with our [12] tax dollars. I also remind the STB that only [13] one action alternative in the DEIS for [14] Rochester keeps trains completely out of the [15] city. Even if the bypass is built and no [16] coal trains come through town, Rochester [17] citizens will still have to contend with slow [18] local freight trains on unsafe, beat up track [19] that are just as likely to block an ambulance [20] as a coal train.

[21] I am very angry at being told ad [22] nauseam what a disaster this railroad project

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[1] will be to our town. I do not believe this [2] at all. We need coal for energy. We need [3] railroads for transportation. The midwest [4] needs DM&E. Thank you.

[5] **MR. ERICKSON:** Good evening. My [6] name is Norm Erickson. I live here in [7] Rochester. I come as a private citizen. I [8] have three brief comments. About 35 percent [9] additional new rail will be added to the [10] existing bypass sitings bringing the real new [11] construction something closer to 500 miles. [12] I have been unable to find a location of any [13] of the bypass sidings in the book of map, [14] volume 5. You can be certain that DM&E knows [15] where they will be added and where there will [16] be double tracks.

[17] This is a great example of the DM&E [18] nondisclosure practices that have been [19] confronting us. A DEIS absent the full [20] disclosure of projects details needed by [21] reviewers to informed comments is an [22] incomplete DEIS. It makes a mockery of the

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[1] review process. It's a betrayal of the [2] public trust.

[3] Secondly, it's a stretch I think to [4] suggest that the primary potential [5] environmental benefit of this project is that [6] DM&E's existing system in Minnesota and South [7] Dakota which currently is in generally poor [8] condition would be totally upgraded to allow [9] the operation of unit coal trains, thus [10] enhancing the safety of DM&E's existing rail [11] operations.

[12] This project is about money. Not [13] the environment. Increasing rail traffic by [14] over 12 times and the tonnage by far more [15] entails an enormous increase in energy use [16] with an attendant increase in harmful diesel [17] particulates and other emissions, excessive [18] noise, psychological stress, vibration, [19] property devaluations and increased traffic [20] hazards all along the lines. There are no [21] net environmental benefits from the new line [22] into the PRB. I am sure many other readers

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[1] also resent the STB cheerleading for DM&E in [2] this document.

[3] Third, the chair of the [4] inter-governmental panel in climate change [5] announced that global warming is accelerating [6] and mitigation is becoming more urgent. We [7] can see the climate change in Minnesota. [8] Four or five decades ago you could grow up [9] here and never see an opossum unless it was [10] in a book or in a zoo. Now there are more [11] dead opossums and dead cats on the road.

[12] Is it in our national or global [13] long-term interest to haul more coal to what [14] will certainly be our dirtiest and least [15] efficient generating plants. Why approve the [16] spending of billions of dollars to enable the [17] hauling of a mercury and carbon dioxide [18] spewing product that's very likely to be [19] taxed heavily to reduce usage within a [20] decade. The DM&E can choose to upgrade their [21] line without extending it into Wyoming. [22] Thanks.

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[1] **MR. SIMON:** Thank you. I am [2] Ellsworth Simon, a farmer in Lewiston, [3] about 30 miles east of here. My dad bought a [4] farm one mile west of Lewiston, and it's [5] right on the Highway 14. The DM&E Railroad [6] is right next to it. So I have had a [7] lifetime of dealing with both, Highway 14 as [8] a major highway and the DM&E Railroad, all my [9] life.

[10] I go across the DM&E every single [11] day several times. Or my son who lives on [12] the place now. They talk about the noise and [13] holler. All these years we never had any [14] trouble sleeping, and my bedroom window is [15] about 50 feet from the highway and the DM&E [16] is right across it.

[17] As a kid, the 400 railroad train [18] went 60 miles an hour through this area, and [19] there were no accidents from that. The [20] factor is now we consider the traffic and the [21] coal trains, my main concern is the grain [22] which is being carried, and we have got to

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[1] get this grain out of this area. I am [2] 15 [3] miles from Winona, at the end of this line, [4] and this is the number one concern to our [5] area.

[6] The Environmental Protection Agency [7] has required these power plants to change to [8] the low sulphur coal. That we use a great [9] deal of electricity in our business. All my [10] neighbors use a great deal of electricity.

[11] They talk about the traffic. I [12] know the traffic that is going by the DM&E [13] with this railroad, but my main concern is [14] safety because there are thousands of trucks [15] go by my place every single day. It's not [16] unusual for me to wait for four, six, eight [17] of these trucks to go by so I can get on [18] Highway 14. These are not going at 30 miles [19] an hour. The sign says 55 right next to my [20] driveway, and most of them are doing that or [21] better.

[22] That we have got to move this [23] grain. We have got to have the energy. I

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[1] know that bypasses do not work because Winona [2] put Highway 61 as a bypass around Winona, and [3] this is a state and federal supported [4] highway. Today most of Winona's commercial [5] business is most right along the bypass. So [6] Rochester will go right — build right around [7] this. They have got the infrastructure set. [8] So let's leave the railroad right where it [9] is. Upgrade it so that we can have good [10] faith transportation for our area. Thank [11] you.

[12] **MR. ROBERTS:** I am not Sol Simon, [13] but I am standing in for him. He is not here [14] this evening. He had to be with his family. [15] My name is Thad Roberts. I am representing [16] the Mississippi River Revival, which Sol [17] Simon is the executive director. Sol asked [18] me here tonight to fill in for him, as I [19] said. I want to say I'm not against the [20] rail. But I would like it to be done well, [21] if — I'm sorry, I am not very prepared here [22] tonight. I have just been called in.

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[1] I just want to say I was born in [2] another country. I was born in Wales. The [3] train, everything in our town, in our little [4] town came in on the train. When you crossed [5] the area where the train went by there was a [6] gate, and that stopped people from crossing. [7] There was no way of getting around that gate.

[8] This is my concern. I live in [9] Winona, next to where this man that just [10] spoke next to me. My greatest concern is [11] safety of humans. I have lived in Winona [12] for 10 years, and there has been one traffic [13] accident per year. Now, in this report they [14] predict that

there will be one accident I [15] believe every three years, if this train goes [16] through, it's another 32 trains come through.

[17] Well, if there are 32 more trains [18] going through I think there's going to be [19] more than one accident in the next three [20] years. You can't do this kind of thing right [21] unless you put a barrier across that road to [22] stop people from driving. Students, nurses,

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[1] factory workers, farmers, whoever they might [2] be, they need to get to work. In Winona [3] right now we have I believe 20 trains going [4] through. To put another possible 25 to 32 [5] trains, people will try and get around them.

[6] What about dividing the town in [7] two. Most of the — trains will go down the [8] whole length of Winona. Most of the houses [9] next to the tracks are unprotected by [10] fencing. There are families that live in [11] those houses and they are totally [12] unprotected.

[13] So I guess my greatest feeling [14] about this thing is the safety of people. If [15] you want to do this and do it well, you have [16] to put a barrier across that road or people [17] will try to get around it. Thank you.

[18] **MR. PETERSON:** I am Roger Peterson. [19] I am the chief of police for the City of [20] Rochester. I will be addressing the Draft [21] Environmental Impact Statement specifically [22] as it relates to emergency vehicle response

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[1] and public safety issues. Time is brief. I [2] am going to be a little blunt. The impact [3] statement in this regard is based on series [4] of false assumptions and disregards the [5] reality of the public safety issues in our [6] community. While the report acknowledges [7] that where, when and what the emergency is [8] cannot be predicted, it utilizes only studies [9] of medical emergencies to determine the [10] impact of the proposed rail line to emergency [11] services.

[12] Medical emergencies are only a [13] small part of the calls we respond to. [14] Assaults in progress, domestics, robberies [15] and other crimes that have a high potential [16] of personal harm make up a very substantial [17] part of our emergency vehicle response. We [18] like to get to these calls before they become [19] medical emergencies. Therefore the [20] assumption that only "five to 10 percent" of [21] emergency calls as quoted in this statement [22] are actually life threatening is based on a

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[1] false assumption. I can assure you the need [2] for immediate police service

extends far [3] beyond medical emergencies.

[4] However, even if we accept the [5] medical emergency definition supplied by the [6] report, it is extremely disappointing to find [7] that the conclusions reached are based on [8] reports that are 25 years old. To suggest [9] that police response and technology has [10] remained static for that 25 years isn't just [11] a false assumption, that's a ludicrous [12] assumption. Advances in technology have made [13] us extremely effective in responding to [14] medical emergencies. You have already heard [15] from Dr. Gibbons of the Mayo Clinic in that [16] regard.

[17] Suffice it to say, an immediate [18] medical emergency response is critical to [19] saving the victims, especially of heart [20] attacks in our community, utilizing [21] defibrillator technology available in [22] emergency response vehicles. Immediate does

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[1] not mean 15 minutes or the 30 minutes [2] indicated in the impact statement. We have [3] four. If we get there within that time we [4] provide citizens of this community with the [5] highest survival rate for heart attack [6] victims in the country. If we don't, they [7] don't survive. It's that simple. If we [8] spend that time waiting for trains, they [9] don't survive.

[10] The statement indicates that the [11] problem with emergency response can be [12] mitigated by utilizing such methods as using [13] the oncoming traffic lane while waiting for a [14] train to clear a crossing, then crossing [15] ahead of other vehicles after the train [16] passes. The suggestion that emergency [17] vehicles ignore state laws and proceed in [18] such a dangerous manner is something the [19] federal agency just shouldn't be suggesting.

[20] Other suggestions that faster [21] trains will require emergency vehicles to [22] arrive at open crossings quickly is pretty

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[1] obvious, but it suggests that we as emergency [2] responders race trains to crossings, the very [3] behavior we try to discourage in motorists [4] because it is so dangerous. That's just not [5] acceptable.

[6] The impact statement goes on to [7] suggest that the issue of public safety [8] response is mitigated by the proposed speed [9] of the trains. While the trains will be much [10] more frequent, they will be moving much [11] faster so they will block the streets for a [12] shorter period of time.

[13] The fact is, we are told that the [14] train safety issue is not an issue. It is [15] below the criteria for significance. I would [16] suggest to you that with quadrupling the [17] number of trains and quadrupling their speed [18] through the downtown of the city is not below [19] the criteria of significance. It is far [20] above that.

[21] You have already heard about the [22] Mayo Clinic. You have already heard about

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[1] our inability to evacuate people from there [2] in the event of a train incident. In that [3] regard trains are not like trucks. I would [4] ask you to consider public safety in your [5] response to that proposal. Thank you.

[6] **MR. WILSON:** Thank you and good [7] evening and welcome to Olmsted County. The [8] county which has by consensus unanimously [9] opposed the project and has asked by [10] resolution for an extension of time. I hope [11] that my brief remarks and my written comments [12] that I will give to you partially will help [13] support that position.

[14] After nearly two-and-a-half years [15] of being involved in this process it has [16] become increasing clear to me that this [17] process which is going on has not had the [18] leadership from the federal folks and has [19] been abdication on many issues and it would [20] be very justifiable for you to deny this [21] application.

[22] Communities through appeasement and

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[1] getting the best deal you can are left on [2] their own by indications that the STB does [3] not wish to impose mitigation and prefers [4] negotiated solutions. It is nearly [5] impossible for anyone to negotiate when there [6] is no bottom line, or the bottom line is so [7] minimal so as to be hardly worth it.

[8] As the appropriately designated [9] authority, it is your responsibility to [10] determine what is expected and by coming out [11] and saying what is expected and stating what [12] mitigation measures are essential to insure [13] the applicant's commitment rather than [14] reliance on consultation or the goodwill of [15] the applicant to consider.

[16] The contrast between economic costs [17] and benefits are essential to the validity of [18] this project that interplay with the [19] environmental impacts. Consider the [20] following observations for Olmsted County. [21] There are two kinds of jobs that will be [22] created potentially about this project, the

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[1] railroad jobs and the spinoff into the [2] communities. These folks will pay income [3] taxes, buy homes and pay property taxes and [4] sales taxes. The DEIS also points to [5] additional property taxes the county or city [6] will receive resulting from railroad [7] reconstruction. Approximately 1.2 million.

[8] The STB claims that increased tax [9] revenue should easily offset any financial [10] burden the project may cause counties. If [11] these assumptions are correct, then what are [12] we talking about. The idea that income taxes [13] accrue to the county is extremely [14] speculative, since that is determined by the [15] legislators' willingness to return those tax [16] dollars to local governments. The same [17] applies to state sales taxes.

[18] In terms of property taxes, the [19] projected 1.2 million, if it is realized, [20] represents only about a one percent increase [21] in property tax revenues. The conclusion [22] that increased tax revenues will offset

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[1] financial burdens should also be challenged. [2] There are appropriate studies that suggest [3] property value loss will occur on five to 10 [4] percent of the properties within 500 to 1,000 [5] feet of the newly built line. In addition, [6] past successful challenges by property owners [7] to receive five to 10 percent in additional [8] valuations.

[9] In evaluating alternatives, without [10] looking at all the economic impacts and to [11] make a final decision on the financial [12] feasibility of the project without looking at [13] all the costs would appear to be an [14] abdication of responsibility and is [15] inconsistent with a 1994 executive order of [16] the President calling for an assessment of [17] costs and benefits of projects authorized by [18] federal agencies.

[19] In addition, a quick comment on the [20] environmental justice issues. Olmsted County [21] has experienced a 10-fold increase in the [22] black student enrollment population, a

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[1] doubling of total non-white student [2] enrollment and a tripling of students [3] eligible for free and reduced lunch programs. [4] These folks need your support. The extended [5] time would be necessary so that those folks [6] who don't have a voice have an opportunity to [7] speak. Thank you.

[8] **MR. CHRISTOPHERSON:** Hi. My name [9] is Al Christopherson. I am a farmer, also [10] president of the Minnesota Farm Bureau [11] Federation and Board member of the American [12] Farm

Bureau Federation.

[13] The testimony today is on behalf of [14] American Farm Bureau and the Minnesota Farm [15] Bureau Federations. Our organization [16] supports the proposed upgrade and expansion [17] of the DM&E because it is an important test [18] of whether regional and shortline railroads [19] will be able to provide rail service for [20] underserved rural areas and provide at least [21] limited competition between a limited number [22] of origin destined payers for class I

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[1] railroads.

[2] The project will also allow DM&E to [3] offer improved service to agricultural [4] shippers. According to the USDA testimony in [5] the matter I quote, "DM&E shippers cannot [6] compete effectively for Pacific Northwest [7] traffic because the traffic is too slow. It [8] takes nine days to move across the DM&E from [9] end to end. Rebuilding the railroad will [10] promise to cut this travel time from days to [11] hours."

[12] Some estimates suggest as high [13] as 20 cents per bushel for both corn and [14] wheat. If prices for wheat and corn and [15] soybeans increased just 10 percent per [16] bushel, then farm income in the DM&E service [17] region could increase by more than 90 million [18] dollars in a typical crop year.

[19] It is important to note that the [20] Draft Environmental Impact Statement finds [21] the no action alternative unacceptable [22] because the failure to upgrade DM&E line will

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[1] not only endanger the economic health of [2] Minnesota and South Dakota farmers but would [3] deny DM&E the opportunity to improve its [4] safety record.

[5] While Farm Bureau has no official [6] policy on the proposed bypasses, we would [7] like to point out some key points within the [8] Draft EIS. On page 59 it states, generally [9] use of existing rail corridors is [10] environmentally preferable to construction of [11] new rail line on undisturbed land. We all [12] need to examine and weight the impacts of [13] building on the existing line, which has more [14] impact on human environment versus impacts of [15] building a bypass on previously undisturbed [16] land, which will have more negative, [17] affecting soils, farm land, geology, [18] wetlands, vegetation and wildlife.

[19] We must also remember the rural [20] landowners who live on the land where the [21] bypasses are proposed. If a bypass is [22] ordered, these individuals will be required

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[1] to sacrifice a great deal for the greater [2] good of communities through southern [3] Minnesota and South Dakota. This point [4] should not be forgotten by anyone in this [5] community, especially those forces demanding [6] the bypass. We feel it is important to point [7] out that if a bypass is ordered by a [8] community, the requesting community will most [9] likely have to shoulder a significant [10] financial responsibility.

[11] In conclusion, it is Farm Bureau's [12] overall view that the economic and [13] environmental impact benefits that will be [14] realized by the proposed expansion and [15] modernization of the DM&E clearly outweighs [16] its costs. We therefore urge the STB to [17] speedily complete its EIS process and [18] expeditiously approve DM&E's request to begin [19] this process. Thank you.

[20] **MR. MORSE:** Good evening. My name [21] is Joe Morse. I am from Winona County. I've [22] lived there most of my life. I am here to

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[1] comment on the Draft Environmental Impact [2] Statement. First of all, I think it's [3] ludicrous to think that citizens can comment [4] on this document within 90 days. We need 180 [5] days minimum. The comment period falls, [6] the 90 day comment period falls between — [7] with five holidays in that period, between [8] when it started and January 5th. It's long, [9] as we know. It's huge. We really need more [10] time to document what's in it and to review [11] it and thoroughly comment on it.

[12] The other thing I want to mention [13] is that there are really many gaps in the [14] EIS. It's poorly drafted. It looked like it [15] was done in a hurry. I represent a small [16] local environmental organization in Winona [17] called the Bluffland Environment Watch, and [18] we have gone through parts of it and reviewed [19] segments.

[20] First of all, somebody mentioned a [21] little earlier there are plans to build a [22] marshalling yard east of Utica, Minnesota, in

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[1] Winona County, which is on karst geology. [2] Now, karst geology is fractured limestone, [3] sometimes with as little as a foot or two of [4] dirt or earth over the limestone. Surface [5] liquids can quickly move within an hour from [6] the surface into the ground water, which [7] people use for their drinking water. Fuel [8] spills, product spills in that marshalling [9] yard could reach ground water.

[10] There is no mention whatsoever that

[11] we can find of karst geology in the DEIS. [12] The ludicrous thing is that the Kettle Marine [13] area is mentioned in the DEIS, which is in [14] the borderland area between Minnesota and [15] Canada. It's beyond us as to why that's even [16] mentioned. It's a little ways away.

[17] The other area that we want to [18] comment on is that Garvin Brook is a stream [19] just outside of Winona that is an impaired [20] waterway. Millions of dollars of federal, [21] state, county, as well as private money went [22] in to upgrade that stream to make it a useful

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[1] trout stream.

[2] The STB rules require that the STB [3] address the conflicts with state and local [4] standards. There would be extreme problems [5] trying to get approval to build track and [6] bridges over that stream. At this point the [7] plan calls for a double track along that, at [8] least five miles of Garvin Brook.

[9] There are other items which I would [10] mention, one of which the DNR in Minnesota [11] identifies more than a hundred acres more of [12] wetlands delineated that would be affected by [13] DM&E than the EIS identifies. So that the [14] numbers between Minnesota Department of [15] Natural Resources and this EIS are way off as [16] far as wetland mitigation that's going to be [17] required. Thank you.

[18] **MR. OWEN:** Thank you for a well run [19] hearing and endless patience on your part. [20] My name is David Owen. I am president of the [21] South Dakota Chamber of the Commerce and [22] Industry. I am here to reinforce that this

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[1] project is important to South Dakota in terms [2] of carrying grain and some of our [3] manufactured goods. I know you have heard a [4] lot, especially in our state. So I would [5] like to spend my time talking about the [6] dilemma in all of these processes.

[7] That is, to ask you to respond [8] directly when you finish the report, what I [9] consider a request for mitigation suggested [10] by those whose real desire is to kill the [11] project outright. I have come to Rochester [12] because I have no desire to kill the project [13] outright. I want to get the best sense of [14] this case in a productive time.

[15] There are a number of ways you can [16] use to kill a project like this. They use [17] most of them. You can give money directly to [18] the opposition. It's well organized and it's [19] been funded by the citizens.

[20] The second method to kill a project [21] is by taking so long that no one will

invest [22] in it. You can't cover the cost of review.

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[1] I would ask you not to extend the review [2] period. It's already double a 45 day review [3] period. Quite honestly, this didn't sneak up [4] on anybody. It's been two years in the [5] making. I cannot think of no one except the [6] railroad that has to go through the whole [7] document. People have their own areas.

[8] Third is to request unreasonable [9] conditions. This is the third way to kill a [10] project, which is parallel to Mr. Thornhill's [11] invitation. The bypass, the proposed bypass [12] here is 50 percent longer than the route we [13] have got. We have worked real hard in [14] Brookings on the railroad proposal to keep [15] the bypass reasonable. You also issued an [16] invitation to look at communities. We expect [17] to be part of that answer. Brookings [18] certainly said they will participate in [19] funding. It's time for Rochester do that.

[20] I think of it this way, this is a [21] design for mitigation for the project. It's [22] a worthwhile project. A lot of projects face

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[1] review, even homes for the disabled. We hear [2] opposition. We hear it similar to this, [3] don't build it here, we put a lot of [4] conditions on those.

[5] Let the opponents be directed, and [6] they have been, they are well organized, they [7] are doing a good job. What I would ask you [8] is if you want to rule that the project [9] shouldn't be built, do it directly. Don't [10] allow these same voices to give a whole bunch [11] of conditions. It just makes it impossible [12] to build. South Dakota will lose too much in [13] that case.

[14] **MS. RIEDER:** Members of the STB [15] Board, I am Mary Rieder, Professor of [16] Economics at Winona State University, and a [17] recent unsuccessful candidate for U.S. [18] Congress in this district. We live in Eyota, [19] Minnesota.

[20] I am here to encourage your [21] adoption of the no action alternative. I am [22] aware that among your concerns of not

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[1] choosing the no action alternative is that [2] the DM&E would go out of business. I do not [3] believe that this is true. Prior to its [4] submission of the request to expand to the [5] Powder River Basin the railroad was [6] profitable, although most of the profit were [7] invested in upgrading the current track. [8] Over a period of time once the tracks are [9] fully upgraded the railroad will even be more [10] profitable. Were it not

profitable it could [11] not have received encouragement by the STB [12] nor the financial community to consider the [13] expansion.

[14] I would now like to address the [15] three criteria in which the initial proposal [16] was tentatively approved subject to the EIS [17] and its finding. Is there a negative impact [18] on competition. Is it financially feasible. [19] Is it in the public interest.

[20] First, I believe there will be a [21] negative effect on the competition as there [22] are currently two railroads that serve the

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[1] region and have excess capacity. Second, [2] this excess capacity is a great concern in [3] addressing the question of financial [4] feasibility. First, I believe that the cost [5] of the project has been greatly understated [6] and they need to be recalculated, adding in [7] the appropriate cost for mitigation and [8] overpasses.

[9] Second, because of the excess [10] capacity of the two other railroads, which I [11] believe puts them on the down sloping portion [12] of the marginal cost curve. Economic theory [13] suggests that should the railroad expansion [14] be approved and built, a price war will ensue [15] until the DM&E went under. Thus this [16] railroad needed by farmers and shippers [17] currently could be lost.

[18] Finally, I would like to address [19] the issue of public interest. I would hope [20] that the STB would use a cost benefit [21] analysis to determine if this project is in [22] fact in the public interest. Here the

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[1] benefits are easily defined and quantified, [2] the gain to the railroad and to the electric [3] utilities and other benefits attested to in [4] these hearings. The costs are less easy to [5] quantify but they are huge. Some can be [6] measured in loss in property values, but [7] others, like potential loss of life, problems [8] from derailment, time loss in traffic are [9] harder to evaluate.

[10] Costs to the environment, health [11] and the loss of a trout stream are even most [12] elusive. However, in my opinion, when the [13] costs to the public are properly evaluated [14] they far outweigh the benefits to society as [15] a whole. Thank you.

[16] **MS. GOLDBERG:** My report will show [17] what type of impact the bypass will pose to [18] the rural community. In summary, we stand to [19] lose our farm and that has been in the family [20] for over 150 years. This opposition is in [21] the interest of the rural America and

about [22] trying to keep the occupation of farming and

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[1] the lifestyle of the rural community in [2] existence.

[3] For many, farming is also a source [4] of retirement. With only two percent of [5] America's population today engaged in farming [6] we must try and preserve agriculture. [7] Agriculture is the foundation of this [8] country. Olmsted County soil is among the [9] most productive in the world and accounts for [10] over 40 percent of the overall economy in the [11] County.

[12] Over 800 acres of prime farm land [13] will go permanently out of production, along [14] with other farm land divided. So farmers [15] will lose their efficiency to operate. A [16] bypass will threaten to close down township [17] roads, which will increase time and distance [18] of travel for commuters, emergency response [19] units and add extra school bus exposure to [20] areas where it's never existed.

[21] Rochester claims noise, pollution [22] and emergency vehicle response will

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[1] negatively affect the Mayo Clinic and is [2] therefore a reason for a bypass. Each year [3] U.S. News and World Report lists the best [4] hospitals in the United States based on how [5] each facility ranked in the number of [6] specialties. Along with Mayo, some of these [7] includes Johns Hopkins out of Baltimore, [8] Maryland; Massachusetts General, Cleveland [9] Clinic. Other top medical institutions in [10] the top five are located in Chicago, [11] Philadelphia and San Francisco. As you can [12] see, many of the finest medical institutions [13] are in cities a great deal larger than [14] Rochester. These cities not only have [15] considerable more traffic congestion but many [16] also have railroads and commuter trains as [17] well.

[18] Apparently these cities have found [19] ways to mitigate noise, traffic delays and [20] vibration without forcing the relocation of [21] the railroad. Indeed, Rochester is luckier [22] than most in that Mayo's emergency trauma

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[1] center is at Saint Marys Hospital, located [2] two blocks from Highway 52, which is [3] unaffected by the railroad. I have included [4] maps in my statement showing these top 15 [5] hospitals and where they are located in [6] reference to railroads and subways.

[7] Clearly the reputation of a medical [8] institution should not be dependent on [9] driving another business such as DM&E out of [10] town in order to

maintain its status as a [11] quality medical institution. If this bypass [12] is allowed it will set a precedent. So where [13] and when do we stop making it someone else's [14] problem.

[15] This railroad is important to the [16] overall economy and we believe it should be [17] improved. It is what made Rochester what it [18] is today. The tracks are in the city and [19] that's where it should stay. The current [20] upgrade in Rochester will leave no one [21] without a home or potential loss of [22] retirement income. We need to start time and

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[1] money into mitigation efforts of what can [2] work for the City of Rochester and the DM&E [3] and not how we can leave the rural area to [4] deal with, when 84 percent of the coal [5] consumption in Olmsted County occurs here in [6] Rochester. Thank you for your time this [7] evening and we hope you will see this from [8] the view of a rural American who is fighting [9] to keep what little is left of what is called [10] rural. Please say no to the bypass proposal.

[11] **MR. HILDEBRAND:** My name is John [12] Hildebrand. In 1995 I wrote a book published [13] by Alfred Knopf called Mapping the Farm, [14] which chronicles five generations on the [15] O'Neill farm southwest of Rochester in Marion [16] Township. The book was well received, partly [17] because readers understood that one farm [18] family story could represent the story of [19] others. The same is true in this case.

[20] The O'Neill farm is one of fifty [21] some farms directly threatened by the City of [22] Rochester's proposed bypass, but the effect

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[1] would be the same to all of them. Let's [2] agree on one point. The primary purpose of [3] the proposed bypass is not to move coal or [4] coal trains but to transport the city's [5] perceived problems into the countryside.

[6] The concerns of the city. [7] Vibration and noise may or may not prove to [8] be the case if the DM&E is allowed to upgrade [9] its tracks. But the problems involved in [10] constructing 34 miles of new tracks through [11] private property are both actual and [12] unnecessary. Unnecessary because the most [13] logical route for the rail line already [14] exists. It is a route that does not have to [15] go south in order to go east. A route laid [16] out on level terrain. A route that requires [17] neither land condemnation nor a 200 million [18] dollar tax levy. Finally, a route that is [19] now and will continue to be used to supply [20] coal to Rochester's utility plants. [21] Therefore, making a bypass completely [22] re-

dundant.

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[1] The proposed bypass would slice [2] through half a mile of the O'Neill farm. [3] Unbelievably the route is laid out on the [4] eastern slope of what we call the hollow, a [5] narrow, extremely steep, and coincidentally, [6] very beautiful coulee formed by Spring Creek. [7] The hillside that would have to be carved [8] away is a prime example of karst topography, [9] limestone bedrock ribboned with sinkholes and [10] fissures. Even if one was craven enough to [11] destroy that coulee in order to lay half a [12] mile of track, the bedrock would be an [13] unstable base on which to operate heavy [14] machinery, let alone trains.

[15] Then the trains would somehow have [16] to jump four lanes on Highway 52 which lies [17] at the north end of the hollow. The O'Neills [18] would lose cropland east of the hollow. They [19] would lose the hollow itself, the prime [20] cattle pasture, and almost certainly the [21] spring, the water source for the cattle. In [22] effect the bypass would put them out of

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[1] business. These are real problems, not [2] perceived ones.

[3] Rochester is a unique community. [4] It is unique in that it is a company town. [5] Mayo Clinic is Rochester as far as city [6] officials are concerned. Everything is just [7] support facilities. Mayo's position to a [8] railroad upgrade is based primarily on [9] concern for its own bottom line. Mayo has [10] suggested that coal trains may deter patients [11] from coming to the clinic, a preposterous [12] argument. Who chooses health care on the [13] basis of train traffic. Mayo's real concern [14] is its own future group. The clinic has not [15] been overly concerned about vibration and [16] noise resulting from its own construction [17] boom.

[18] In pushing for a bypass, Mayo is [19] attempting to pre-empt possible impediments [20] to its future expansion. It is up to the [21] Surface Transportation Board to make the only [22] decision that makes sense, and that is to

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[1] reject the bypass. Thank you.

[2] **MR. KOLBY:** I am Doug Kolby, a [3] private citizen from Owatonna, Minnesota. My [4] first reaction upon reading the executive [5] summary of the DEIS was that it was written [6] by a bunch of lawyers that didn't want to be [7] sued. The document is just like the rest of [8] the process. It leaves cities and counties [9] in the dark as to what the scope of the [10] project is and exactly what the STB will do [11] to mitigate the environmental

effects of this [12] project.

[13] I believe the entire process is [14] flawed in favor of the railroad and the [15] private investors financing the project at [16] the expense of the private citizens and the [17] communities along the way. I served on the [18] city of Owatonna's task force that conducted [19] negotiations with representatives of the [20] DM&E. We were told outright by the [21] representatives of the DM&E, sign our [22] partnership agreement where you have some

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[1] idea of what you will get or take your [2] chances and get less from the STB.

[3] It was not negotiation. It was [4] extortion. Extortion that the STB is party [5] to. In Owatonna there are at present 15 [6] streets that the DM&E will cross as it passes [7] through town. Its current number of trains [8] is approximately three trains per day, as it [9] has been at that level for as long as I have [10] lived in the community.

[11] Railroads have through past [12] practice lead their neighbors to believe that [13] they will not increase traffic, that we could [14] co-exist with the present rail traffic. Now [15] the DM&E is going to change that [16] co-existence. They are going to change the [17] way they do business. Changing the current [18] environment, changing the impact that they [19] have on their neighbors and changing the [20] value of their neighbor's property. No [21] longer can we live with the premise that [22] railroads were there first; that they should

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[1] be able to do whatever they want with their [2] property. They have changed their usage to [3] three trains per day over a course of many [4] years and have given up that right.

[5] Now neighborhoods exist there. [6] They are now the ones who were there first [7] and the railroads, coal trains especially, [8] are the newcomers. They should be subject to [9] the rights of the neighborhoods and the [10] communities. We have the potential in [11] Owatonna, according to everybody's figure, [12] of 37 trains per day going east to west, and [13] possibly more trains going around from the [14] south and coming back north on the Iowa [15] Minnesota railroad. A condition, by the way, [16] that's not mentioned in this DEIS.

[17] These trains will change the [18] quality of life and our property values and [19] they are going to change your environment. [20] If you allow this change to take place then [21] you must require this railroad to internalize [22] all of the marginal costs, that is, new

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[1] additional costs resulting from this change [2] that communities are going to bear. These [3] costs must be internalized and become part of [4] the private cost borne by the DM&E Railroad. [5] By forcing this railroad to internalize these [6] costs, you are requiring the market to [7] capture the true cost of shipping this coal [8] from Wyoming to the east.

[9] When this coal is sold for its true [10] cost, I will bet that the market will make [11] other wiser choices like building power [12] plants in Wyoming and transporting the [13] electricity or finding alternative sources of [14] energy. So long as you allow the rape of the [15] communities along the path of this railroad, [16] in other words allow the DM&E to pass these [17] costs on to the communities along the way, [18] you force communities to subsidize the price [19] of coal for others, changing what the market [20] choice is.

[21] Please consider all the costs. [22] Please help the marketplace to act as it

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[1] should, making the wisest choice on the [2] allocation of resources. Don't make our [3] communities pay so that others can have cheap [4] coal and the DM&E can reap huge profits at [5] our expense.

[6] **MR. THOMPSON:** Jeff Thompson, [7] Olmsted County Commissioner. Lifetime [8] resident of Olmsted County. I have lived in [9] Marion Township for over 43 years. In my [10] private business I am a practicing attorney [11] certified as a real estate specialist. I [12] have been here all day and listened to [13] probably about 80 speakers by now. I think [14] it's obvious that the two governing groups in [15] our county have different interests. You [16] heard from city officials who as an [17] alternative are advocating the bypass. The [18] official position of Olmsted County is no [19] bypass or no alternative routes and the no [20] build option.

[21] Similarly, I would say to the Board [22] here tonight that as we do as Olmsted County

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[1] commissioners, not only looking at the City [2] of Rochester interests but also looking at [3] the rural interests, the interest of [4] everybody that lives in Olmsted County.

[5] Similarly I would trust that this [6] Board would look at the interest of everybody [7] that lives in Olmsted County as well, not [8] just the interest of one group, whatever that [9] group may be. A lot of what I want to say [10] has been touched on by other speakers, but I [11] am going to concentrate on the en-

vironmental [12] aspects and water quality.

[13] As a county commissioner the last [14] four years I have sat on a lot of water [15] boards. I am currently sitting on Minnesota [16] Southeast Water Board. I have sat on the [17] environmental commission. I have sat on the [18] feed lot task force. Feed lots were the hot [19] issue in this county a couple years ago, [20] directly prior to the DM&E issue surfacing.

[21] But if I could refer your attention [22] to the map that's been presented as well as

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[1] the karst topography map which I have seen [2] throughout the evening. If that could be put [3] on the Board as well. There is a map showing [4] the karst topography of Olmsted County, with [5] regard to water quality. If that could be [6] put on the Board as well.

[7] We have heard the term karst [8] topography referred to several times during [9] the course of this evening. If you look at [10] the map that's just been put up there you [11] will see that almost the entire county is [12] either in the red or orange color. That [13] means that that area is highly sensitive to [14] water quality concerns. The only [15] non-sensitive karst area in the county is that [16] green area which is in the northwest [17] quadrant. That's currently where one of our [18] landfills is located.

[19] As you can see from that map, the [20] proposed bypass is entirely within that [21] sensitive or karst geology. Looking at the [22] EIS, some of the portions talk about over 53

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[1] acres of wetlands. Then there is really a [2] highly sensitive wetland that is given a lot [3] of special protection in Minnesota; that [4] being the calcareous fens. [5] When the feed lot issue was going [6] on we heard from city officials with regard [7] to one of the largest farmers in southern [8] Minnesota, that if there would be a failure [9] in one of the large lagoons, that that within [10] a matter of hours could jeopardize the water [11] quality not only in Rochester but the entire [12] Olmsted County. Just remember that when you [13] are talking about the bypass; how sensitive [14] that area is; and if there was any type of a [15] spill, that that would jeopardize the entire [16] water quality in our entire county.

[17] **MS. OEHLKE:** My name is Kimberly [18] Oehlke. My family farms along Highway 30 [19] West, eight miles south of Rochester. The [20] proposed bypass runs directly through our [21] farm. My hus-

band and I and our children are [22] the third generation farming this land. Our

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[1] medium sized dairy produces 300,000 gallons [2] of grade A milk per year and we farm 1200 [3] acres of cropland, producing corn, soybeans, [4] peas, and hay.

[5] The Citizens to Stop the Coal [6] Trains fact sheet refers to potential loss of [7] revenue due to various Rochester businesses [8] due to excessive train noise and potential [9] traffic pollution. I would like to point out [10] that a bypass running through our farm could [11] also have a direct impact on our ability to [12] sustain a viable business.

[13] As most people are aware, it is [14] extremely challenging to maintain a viable [15] farming operation when milk prices and [16] produce prices are running at record lows. [17] The bypass route proposed by the City of [18] Rochester runs through prime farm land, [19] CER 55 plus. On our property, and we would [20] be forced to sell this land for only market [21] value, thereby losing revenue that would have [22] been generated by keeping the land

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[1] productive.

[2] The STB has indicated that DM&E [3] would have a half a mile on either side of [4] the proposed route on which to build their [5] track. This leaves open the possibility that [6] we could lose our home, our milking parlor [7] and barn. This would absolutely put an end [8] to our ability to continue farming. In 1964 [9] we built our current milking parlor and barn [10] at a cost of approximately \$60,000. [11] Rebuilding these units today would easily [12] cost \$500,000. That's three to four thousand [13] dollars per stall, times 150 stalls. An [14] impossibility for our business in today's [15] farming market.

[16] It would be easy to recommend [17] simply moving the track so it does not [18] destroy our farm. However, it would simply [19] destroy someone else's farm. Only 1/32nd of [20] the Earth's surface is suitable for food [21] production and every day in Minnesota 60 [22] acres are removed from food production. Due

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[1] to the scattered venues of farming it is easy [2] to overlook the chipping away of farm land. [3] Once gone it's lost forever. [4] I respectfully request that the STB [5] consider the total impact to the public. [6] Consider that our farm supports five [7] families. Our milk goes to the AMPI plant in [8] Rochester. Our corn and peas go to the [9] Seneca plant in Rochester. These products [10] create jobs and food

products for Rochester [11] and beyond.

[12] **DR. PREDMORE:** My name is Larry [13] Predmore. I am a large animal veterinarian [14] in the area. A lot of the things I was going [15] to say have already been covered. Basically [16] when I come home at night I like to eat [17] supper, take a hot bath, have a cold beer and [18] then watch the news and read a newspaper or a [19] book. All these things pretty much depend on [20] having a cheap supply of electricity. In [21] this county and in this area, that's coal. I [22] think we have 95 to a hundred percent of our

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[1] electricity comes from that.

[2] I have been going to most of these [3] meetings they have had about this, and I keep [4] hearing that the train is not necessary and [5] that it will destroy Rochester. This sounds [6] like the same thing we heard when the federal [7] prison was first coming to town about 10 [8] or 15 years ago. We all know how that really [9] ruined this town.

[10] I think one of the concerns I heard [11] was that the train whistles are going to keep [12] the prisoners awake at night. I know that [13] will be a real inconvenience to them. But [14] the people that say we don't need the train [15] or coal must know about some other source of [16] energy the rest of us haven't heard of or [17] else they seem to think that these lights [18] just come on by magic. The simple fact is [19] that western coal is the only practical [20] source of power in this area and the railroad [21] is the only practical way to move it. We [22] don't have any rivers coming from the west

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[1] that are navigable.

[2] I keep hearing people at these [3] meetings say that the trains should run [4] through northern Minnesota or they ought to [5] run down through Iowa. My question is what [6] makes us much better than these people on [7] these other routes; why is this town too good [8] for a railroad.

[9] I was at one of these meetings and [10] I overheard one of our officials say to [11] another why they ever let them put that train [12] so close to the Medical Center to start. I [13] don't know about anybody else, but I always [14] thought the Mayo Clinic used to get most of [15] its patients by train. I have seen papers [16] from back in the 50s that they were getting [17] upset that the number of passenger trains was [18] being reduced and would have a negative [19] impact on the clinic. [20] I really wish the Mayo brothers and [21] their father was around now to give their [22] opinion on the way this thing is being

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[1] handled, also their idea of routing the [2] bypass out through the country, which is in [3] the general direction they used to live.

[4] Another thing I find hard to [5] believe is the town that voted down the last [6] bond issue for the schools which was for 10 [7] million is going to spring for 122 million [8] for a bypass, which we are all going to be [9] paying for that sucker. It comes down to the [10] fact that the railroad already owns the land [11] where the tracks are and ought to leave them [12] there. I want to make the wild prediction [13] that this train is going to come, it's going [14] to go through town, the town will not be [15] destroyed, the people will keep coming to the [16] clinic and nobody who is sick is even going [17] to think about that train when they come [18] here. I bet in 10 years we will have about [19] the same amount of interest in this railroad [20] as we have now in the federal prison.

[21] **MR. HARTMAN:** My name is Peter [22] Hartman. I am a resident of Rochester. I

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[1] live on the east side. There are already two [2] coal lines that go out of Powder River Basin. [3] Those coal trains already handle all the coal [4] that's produced there and the needs of this [5] country for the foreseeable future. If a [6] coal train goes through Rochester or it [7] doesn't, it's not going to affect the amount [8] of coal available in this area.

[9] The conjecture that DM&E will go [10] out of business if there is not a coal train [11] is probably also false. There are other [12] alternatives to a coal train for upgrading [13] the DM&E. I live near a coal train track in [14] Otter Tail County. In the winter, when the [15] ground is frozen, I lived a mile-and-a-half [16] from that coal train track. In the winter [17] when the ground was frozen my house vibrated. [18] I was a mile-and-a-half away from that coal [19] train. Now I live a block from the proposed [20] DM&E expansion. I know what that coal train [21] will do to my house. It will probably shake [22] my stucco right off the walls.

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[1] I wonder, you know, why the Draft [2] Environmental Statement didn't consider more [3] mitigation for residents in the City of [4] Rochester. There is a 70 decibel limit for [5] the coal train. Normally for airplanes, [6] airports, highways, it's 65.

[7] There are a couple statements in [8] the Draft Environmental Statement that aren't [9] quite correct. They say there are 12 trains [10] that go through Rochester now. That's just [11] not true. There is

about a third of that.

[12] I live near the prison. The prison [13] is a good neighbor. But I heard from the [14] manager at the federal prison that their [15] security system is sensitive to vibration. [16] They had an engineer study it, they would [17] have to redo their total security system [18] around the prison if the train went through, [19] because if there were coal trains going [20] through, the vibrations there would disrupt [21] their system and it would no longer be [22] adequate.

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[1] Rochester is going to have to pay [2] for a coal train to come through town. All [3] the safety concerns will cost about a hundred [4] million dollars. We are going to be paying [5] that. It doesn't matter about a bypass. The [6] coal train is going to be costing us money [7] anyway.

[8] One other thing that really worries [9] me is that there are no limits put on the [10] DM&E once the coal train goes through. They [11] can haul, they can put a second track in. [12] They can haul all the coal they want. They [13] can start hauling all kinds of hazardous [14] chemicals. Imagine a scenario where the Mayo [15] Clinic has to be evacuated because of a train [16] derailment in town. After that, people [17] wouldn't want to come to the Mayo Clinic any [18] more.

[19] **MS. SCHWINGHAMMER:** Good evening. [20] Thank you for the opportunity to testify on [21] this important public policy matter. I am [22] Diane Schwinghammer, superintendent of the

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[1] Rochester Catholic schools. I am here [2] tonight on behalf of the 2,163 students [3] and 260 employees entrusted to my [4] stewardship. I oppose the proposed expansion [5] of DM&E train traffic through Rochester based [6] on safety considerations for children, their [7] parents and school staff. The proposed [8] expanded train traffic poses a risk to [9] students, parents and staff traveling near [10] and across these tracks in all modes of [11] transportation, automobile, school bus, [12] bicycle and walking.

[13] Each additional train, 37 of what I [14] am understanding, using these tracks results [15] in enhanced safety risks for students, [16] parents and staff under even the most ideal [17] conditions. The tragedy of a stalled school [18] bus in Fox River Grove, Illinois, not long [19] ago must never occur in Rochester. Every new [20] train passing through only heightens that [21] risk under both ideal and less than ideal [22] circumstances.

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[1] Our mission is to reduce those [2] risks, not heighten them. Allow me to [3]

illustrate my safety concerns with two quick [4] examples. Lourdes High School is located [5] just three blocks from the train tracks. [6] Nearly half, 48 percent of our students at [7] this school live north of the tracks and [8] cross the tracks a minimum of two times per [9] day Monday through Friday to come to school [10] and return home. Further, an extremely high [11] percentage of our students, over 85 percent [12] participate in various extracurricular [13] activities such as drama, athletics and music [14] programs in the afternoon, evenings and [15] week-ends.

[16] The number of times these students, [17] their parents and staff are compelled to [18] cross these tracks is substantial. St. [19] Francis Elementary School is just five blocks [20] from the train tracks. This school [21] educates 510 children from nursery school [22] through eighth grade, nearly 42 percent of

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[1] these children also cross the tracks for [2] school each day and for extracurricular [3] activities throughout the year. 62 percent [4] of our employees reside north of the tracks [5] and their continued safety are also of great [6] concern to me as well.

[7] The only alternative route or [8] non-track exposure from north of the tracks [9] to our schools is Highway 52. This is not an [10] acceptable alternative based on safety [11] considerations and accidents and statistics [12] through that corridor. Further a Highway 52 [13] alternative is of no benefit to the St. [14] Frances students and parents, many of whom [15] live east of the school.

[16] In summary, I am entrusted to the [17] safety, care and productivity of the children [18] and employees at Rochester Catholic schools. [19] The proposed expansion of train traffic [20] encompassing Rochester poses a safety risk to [21] our students, parents and staff. I encourage [22] the Surface Transportation Board to reject

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[1] this current DM&E proposal. Thank you very [2] much for your consideration of these views.

[3] **MR. BALM:** My name is Jerry Balm. [4] I, too, want to thank you for taking time [5] from your busy schedules to come hear our [6] opinions and our concerns tonight. I am here [7] to ask you, along with many others, to reject [8] this DM&E proposed enhancement of their [9] tracks and their carrying through town here. [10] I have heard a number of things tonight. I [11] believe that words were spoken more [12] eloquently than I on the environment. [13] Certainly the environment in terms of noise, [14] vib-

ration, blocking intersections has been [15] mentioned many times. The economic impacts. [16] Safety is a major concern for me as a senior [17] citizen and a retiree. I happen to live on [18] the wrong side of the tracks to get medical [19] attention very fast if the trains go whizzing [20] through even more than they are now. But [21] that is a matter a degree. That's a selfish [22] thing on my concern.

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[1] You are hearing problems from a [2] number of other areas here, including [3] Owatonna, and I read in the paper about [4] Brookings and Pierre and some of the others. [5] I ask, and I ask the ag people around here, [6] are they truly convinced that this train [7] enhancement is going to help them out. I [8] have heard from some sources, I can't put any [9] credibility to it, that if the DM&E starts [10] pushing coal trains through here at a very [11] profitable margin, then what's to make us [12] think that they will push crops through at [13] the same margin or less.

[14] This is a wonderful community. I [15] have lived here for 34 years. I would truly [16] hate to see it degraded, as it would be by [17] this increase in safety — of traffic through [18] here. So I would ask that you deny the [19] proposal for economic gain of a few DM&E [20] folks that's going to make a lot of [21] communities and some rural areas unhappy [22] along these tracks. Thank you.

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[1] **MR. PAGEL:** I am Ron Pagel. A [2] dairy and crop farmer from Byota. I am here [3] to encourage the upgrade of the DM&E [4] railroad. By improving this rail system we [5] are offering ag producers another viable [6] method of transporting of transporting their [7] grain to market. USDA studies have concluded [8] that upgrading the DM&E would increase local [9] grain prices by up to 20 cents a bushel. The [10] improved rail system would provide a link to [11] market our grain through the ports of the [12] west coast. By upgrading the railroad the [13] midwest would have an economical and reliable [14] source of coal to feed power plants to [15] provide all residents electrical power. With [16] the demand of electricity increasing we need [17] to be able to have the resources to generate [18] for that demand.

[19] I also feel that the bypass around [20] Rochester is not needed. The DM&E owns [21] property through Rochester and should be able [22] to use it for their railroad. A bypass would

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[1] divide farms and limit access to many fields. [2] If a bypass was built several rural roads [3] would probably be closed

for safety reasons. [4] This would increase cost to local schools for [5] student transportation.

[6] There are also major concerns for [7] fire and law enforcement, as it would cause [8] increased response times. The cost of a [9] bypass is another reason for using the [10] existing tracks. I don't feel all residents [11] or consumers of Rochester should be forced to [12] pay for something that is not needed. Many [13] tactics have been used to misrepresent this [14] railroad project. False information, half [15] truths and scare tactics have been used to [16] misinform or confuse both city and rural [17] cities. I have faith in the Surface [18] Transportation Board that they will be able [19] to separate the facts from the fodder and [20] make an informed and educated decision. [21] Thank you.

[22] **MS. HAYEK:** Without reservation I

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[1] am opposed to the DME coal train proposal, [2] both the upgrade through Rochester and/or the [3] bypass. My name is Mary Hayek. For 25 years [4] I have lived in and owned an older home in [5] Kutzky Park. This is a neighborhood of hard [6] working, tax paying citizens whose health, [7] safety and quality of life would be seriously [8] compromised by coal trains nearby. Coal [9] trains with their noise, pollution and [10] movement would sever and divide neighborhoods [11] like ours, as well as cause serious traffic [12] congestion on all of the major traffic routes [13] in our city.

[14] Each day I commute to work at St. [15] Charles elementary school and cross the DM&E [16] railroad tracks. Bordering these tracks are [17] the homes, old and new, of dozens of my [18] colleagues. Some homes, including a string [19] of new apartment houses and a number of [20] businesses in St. Charles are within 10 yards [21] of the DM&E tracks.

[22] I see children cross those tracks

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[1] on my way to school each morning and on my [2] way home, on bikes, on foot, in the family [3] car. I pass Eyota. New homes including [4] those of colleagues are barely one half block [5] above the DM&E railroad tracks. The same is [6] true for a number of my friends and [7] colleagues who live in Winona. As property [8] values plummet, life savings in a home or in [9] a small business will be lost.

[10] Over the years I have traveled back [11] and forth many times on the train through [12] Chicago. I can only describe what I have [13] seen for four hours at a stretch each way [14] coming and going along those tracks. It can [15] only be

described as hellish slum where no [16] one lives by choice.

[17] If you remember, I own an old, old [18] house, over 100 years old, long ago converted [19] to apartments, which I have struggled with [20] for the past 23 years. I have spent many [21] entire summers, holidays, late nights [22] cleaning, repairing, hauling furniture, walk

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[1] the lawn mower over there, sometimes the snow [2] shovel. For 30 years I have worked second [3] jobs in the canning factors, selling [4] decorator items, as a waitress for 10 years [5] in order to keep up with the taxes, at times [6] close to \$3,000 on that rental, and major [7] maintenance bills.

[8] However, the building has provided [9] reasonable rent to countless persons on [10] stipends at the Mayo Clinic. People [11] perfecting their skills in the medical [12] profession. Although this little gray house [13] is in proximity to the clinic, it is within [14] three blocks of the railroad tracks. As are [15] many others just like it, owned by ordinary [16] people just like me.

[17] If the DM&E wishes to become a [18] greater corporate entity it is the [19] responsibility of DM&E to finance its [20] ambitions. Two transcontinental railroads [21] already carry coal from the Powder Basin as [22] fast as it can be mined. The rights of the

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[1] DM&E stop where my rights begin. The rights [2] of the DM&E and of Kevin Scheiffer stop where [3] my rights and the rights of so many others [4] like me begin. Thank you.

[5] **MR. MOE:** Hi, my name is Rodney [6] Moe. Me and my wife farm southeast of [7] Rochester and I also serve as the director of [8] the ambulance in Hayfield. I feel the DM&E [9] expansion is important to the ag sector. It [10] will allow us to move our products more [11] efficiently. The current system is slow and [12] takes days to move freight from one place to [13] another. With the upgrade the time delay [14] could be cut from days to hours, which would [15] benefit everyone from us the farmer to the [16] consumer in lower costs. I also think this [17] is important because it is a more economical [18] mode of transportation than putting our [19] grains and other products on a truck and [20] congesting our highways more than they [21] already are.

[22] Also, as on the ambulance service,

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[1] I am concerned about the bypass idea. This [2] is not the answer I feel because it would [3] cause major delays in our

service area and [4] the ability to give our patients the care [5] that they deserve.

[6] In closing, I feel this is a good [7] deal for safety issues, meaning more [8] trucks—less trucks on our highways. I am [9] also in support of improved crossing to make [10] our lives safer. Thank you.

[11] **MR. ABRAHAMS:** Thank you for this [12] opportunity. My name is Lionel Abrahams. I [13] have been a resident of Rochester now for the [14] past 26 years. I have been transferred by [15] IBM from New York back in '74. I have been [16] moved to this city.

[17] Although I retired five-and-a-half [18] years ago I am still here. Wonder why I have [19] not gone back to New York, where I still have [20] family. Two words. QL and Mayo. QL is my [21] acronym for quality of life. Me and my wife [22] have raised three children here and have

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[1] always enjoyed the small town atmosphere, the [2] friendliness of the people here and the clean [3] environment. To us Rochester is home. I [4] certainly want it to stay home.

[5] Mayo. The best medical facility [6] right in town and accessible in minutes. For [7] people getting on in age, that's very [8] important.

[9] Now, it's my opinion it threatens [10] both of those. Quality of life. The STB in [11] my opinion has not done a proper evaluation [12] and has poorly quantified the significant [13] impact of this ridiculous proposal. A [14] greater than 10-fold increase in the number [15] of trains through Rochester, anybody who [16] claims we have currently 10 trains is [17] obviously not using — three to five trains [18] is more like it. Greater than 17-fold [19] increase in train speed, from the current [20] three to five miles to greater than 50 miles [21] an hour. I have yet to take my slide rule to [22] measure a train going through town, but I am

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[1] sure they are not 1.5 miles long. It is [2] rather obvious that such increase can only [3] negatively impact Rochester.

[4] I would submit it is one thing to [5] get hit by a train going at three miles per [6] hour, but totally than being completely [7] annihilated resulting from a train hitting [8] you at 55 miles an hour. We have school [9] buses carrying our children to and from [10] school, and crossing those tracks many, many [11] times of day. Who wants to put a price on [12] the lives of these children. Not if but [13] rather when one of the school buses gets [14] blasted away by one of the 37 plus trains. [15] Does the STB want to put that price. I sure [16] don't want to.

[17] Beside accidents, and it would not [18]

be the single, what about the action of [19] delays it would cause pedestrians at train [20] crossings. I, for example, have many times [21] been caught in one of those crossings with [22] the result of being late for Mayo

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[1] appointment. Now I was amazed to read that [2] the projected delay is estimated about five [3] minutes. Maybe at 3 a.m., during the [4] weekend, in the middle of the night. From my [5] experience, this is the current delay, five [6] minutes, when I have kept up by those trains.

[7] Now the proposed 1.5 miles of [8] trains, delay is expected to be the same? [9] Give me a break. I sure would not want to be [10] there during an emergency. The STB — air [11] quality impact of having 37 trains, 1.5 miles [12] long, dispersing dirty, polluting cloud of [13] coal dust along the road and right in the [14] middle of Rochester. The STB has not [15] addressed the noise pollution of having 37 [16] train horns blasting day and night. [17] Currently it is barely acceptable and I live [18] in the northwest. Now imagine 17 percent [19] increase in that noise. I cannot talk for [20] Mayo I am sure they don't want me to talk for [21] them. But from a patient point of view, I [22] don't go to Mayo for leisure. When I want to

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[1] get to Mayo, I need to get to Mayo. I don't [2] want to wait 25 minutes for trains to go by [3] before I get to Mayo.

[4] A very short observation. There [5] needs to be an addendum in my opinion to the [6] STB report, which reads, prepared and paid [7] for the STB by DM&E. From a 10,000 — I can [8] only reach one conclusion, either object — [9] to the STB group which prepared this report, [10] or they are on the DM&E payroll. To the [11] DM&E, I want to send them this message, not [12] in my town. Thank you.

[13] **MS. CALLAHAN:** My name is Dorothy [14] Callahan, and I live about 10 miles southwest [15] of Rochester in Salem Township. My husband [16] and I moved here to this community in 1952, [17] and I have always thought of it that way, as [18] this community. Rochester, Olmsted County. [19] Many of the things I have been involved with [20] over the years, whether it was housing for [21] low income citizens, whether it was [22] corrections, whether it was environmental

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[1] problems, I have always thought of them as [2] things we had to solve together, and to work [3] together. I suppose this night has been an [4] eye

opener for me.

[5] I do not favor the expansion of the [6] DM&E Railroad to go through Rochester, or to [7] go through a bypass. I just feel that we [8] should go with the no build option. We have [9] in Rochester a community which lives in the [10] bowl of the river valley, and because of [11] that, it has many problems. It has had flood [12] problems, as you know. It has had air [13] pollution problems, which have required [14] working together to solve those.

[15] The problem that was mentioned [16] today, but I think one of the gentlemen who [17] said, said it wasn't mentioned in the [18] Environmental Impact Statement, but indeed it [19] is, and that is the problem of karst geology. [20] It does exist through this county and into [21] Winona County as well. But what the [22] Environmental Impact Statement said is that

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[1] areas associated with karst topography are [2] not well suited for railroad construction [3] activities. Further, it says, some areas [4] adjacent to Rochester are dominated by karst [5] topography.

[6] These statements do occur in the [7] DEIS, but no use is made of them. There is [8] no follow-up to let people know that this is [9] a real cautionary note. They are around [10] Rochester. They are in Rochester. In fact, [11] karst geology extends along the right of way [12] of the present DM&E trains. As you know, [13] what we are talking about here is the [14] potential for sinkholes and the impossibility [15] of doing some of this work.

[16] The redirection of water and heavy [17] grading are both predictors of sinkholes [18] formation. So we do have a problem in [19] Rochester and surrounding Rochester all the [20] way through Winona County. You have heard [21] eloquent testimony on all of these areas. I [22] simply want to say that for me this is a

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[1] problem that we need to solve together. All [2] of us.

[3] **MS. VANSKOY:** My name is Patricia [4] VanSchoy, and I speak as a concerned citizen. [5] My husband and I live in northeast Rochester. [6] To allow more of my fellow colleagues a [7] chance to speak I will keep this short, which [8] is most unusual for me. I am against the [9] upgrade and expansion of the DM&E railroad. [10] I am in favor of the no action alternative. [11] I believe the project will have a major [12] negative impact on the safety and [13] environmental, financial and emotional [14] factors for Olmsted County and its citizens. [15] Thank you.

[16] **MR. KING:** My name is Terry King. [17] My wife and I farm southwest of Rochester in [18] Rock Dell Township. I would like to [19] emphasize the importance of the DM&E. One of [20] the reasons the country is strong is the [21] infrastructure from the railroad. It is a [22] major part of the infrastructure.

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[1] It is an undisputed fact that the [2] transportation of bulk material, coal, grain [3] is moved by railroad and barge. The two [4] methods complement each other. Today we have [5] a railroad, the DM&E is here, serving a large [6] corridor between the Burlington Northern and [7] the Union Pacific. If something should [8] happen due to a natural disaster or sabotage, [9] this country would have a major impact in the [10] east/west transportation. It would affect [11] Congress and the national defense.

[12] If the DM&E dies because it's not [13] allowed to upgrade, many more trucks will be [14] put on our aging interstate and highways, [15] which are already overcrowded and in need of [16] major repair. There have been suggestions [17] that monitors be placed in vehicles and [18] charge for the use of the Interstate.

[19] The locks and dams of our rivers [20] need to be updated as well and the same [21] scenario plays out, where the railroad fill [22] in the locks and dams if the locks and dams

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[1] were forced to shut down. When there is [2] competition between businesses the customers [3] of those businesses are able to reduce their [4] operating costs. This is true for users of [5] coal and grain. The more haulers there are, [6] the more competitive the freight rates.

[7] I believe this business, the DM&E [8] has a right to update itself on its own [9] property. Rochester should not push an [10] unfounded problem out in the rural area with [11] a bypass. It is stated the railroad is [12] needed for growth. I wonder, would they also [13] be opposed to grain unit trains. Thank you.

[14] **MS. KELLY:** Hi, I am Linda Kelly. [15] I am originally from Pennsylvania. I lived [16] in a small coal town and coal trains went [17] through our town. The state closed the [18] hospital and the town I lived in. We had to [19] go 17 miles away to the next hospital. In [20] that time we had a couple patients in the [21] emergency pass away in the ambulance on the [22] way to the 17 miles away nearest hospital.

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[1] So I am against the railroad coming through [2] Rochester. I live downtown

right here in [3] Rochester next to the library across the [4] street, and I wouldn't appreciate the noise [5] and the whistle late at night when I am [6] trying to sleep. So I am against the [7] railroad. Thank you.

[8] **MS. KEITH:** Good evening. I am [9] Sandy Keith, a member of the Citizens to Stop [10] the Coal Trains. This has really been a very [11] sad afternoon and evening for me, listening [12] to the divisions within our community, one of [13] the most remarkable communities in the world. [14] To hear the hostility to Mayo, to see the [15] divisions between our people, the farmers and [16] the city people, it's just sad.

[17] I was born here 72 years ago next [18] week. My dad and mother came down from [19] Canada to work at Mayo, to help the Mayos [20] develop this incredibly unique group practice [21] of medicine. I told my mom and dad I am [22] never coming back to this hick town again,

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[1] when I was 17 years old. Nine years later I [2] was so happy to come back to Rochester, to [3] come back to southern Minnesota.

[4] I had learned a lot in higher [5] education. I had learned more as a [6] lieutenant in the Marine Corps, Korea, where [7] I saw terrible destruction and war. I [8] returned home. The reason Mary and I came to [9] Rochester is because it's a community due [10] largely to Mayo that has a sense of [11] excellence that I have never seen in any [12] other area that I have ever been in in this [13] country.

[14] During these 45 years that Mary and [15] I have raised our family, we lived in rural [16] areas. My commitment to this community has [17] grown ever deeper. I am honored to work in a [18] community devoted to helping care for the [19] sick, in our neighborhood, in our city, in [20] our community, in our state, all over the [21] world. This remarkable place where sick [22] people can come and get help. I think of 20

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[1] years ago when we had the terrible flood. We [2] rallied together and we put an end to it. It [3] took us a long time but we did it.

[4] Now we are being told that they are [5] going — it makes no sense, thirty some coal [6] trains through the center of this town. You [7] have heard the senior citizens. You have [8] heard all of the people, the problems we are [9] going to have with safety, transportation, [10] their ability to obtain medical care, their [11] environment and so forth. It doesn't make [12] any sense. It's just going to

erode a great [13] medical community.

[14] Mayo may have to rethink whether it [15] wants to expand or grow. Frankly I think the [16] entire proposal makes very little sense. But [17] certainly I would hope this Board would see [18] to it that this does not happen to this city. [19] Thank you very much.

[20] **MS. DOUGHER:** My name is Vera [21] Dougher, and I am representing the Rochester [22] League of Women Voters. The Rochester League

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[1] did a study of the DM&E issue as it pertains [2] to Rochester and Olmsted County in February [3] of 1999. The result of this study was to [4] strongly support the no build option.

[5] We believe that this project will [6] have serious consequences for this city and [7] county. Much time, planning and money has [8] been spent to revive what had become a [9] crumbling downtown. Due to these efforts you [10] now witness a vibrant city. Groups have been [11] formed to help revitalize neighborhoods. [12] They have worked hard to deal with problems [13] typical of older areas in the city. Now [14] their neighborhood is being threatened by a [15] privately owned business that tells them that [16] their concerns are beyond their control.

[17] We are finding the DEIS to be [18] inadequate. It is too long and difficult to [19] read. The paging system slows down any [20] desired referencing. In volume 7A and B [21] there are no page numbers. The document is [22] incomplete and does not represent the true

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[1] facts that are of great concern to Rochester.

[2] For example, the Federal Medical [3] Center disputes your statement concerning [4] vibration and its security fencing. The fire [5] department has serious questions about the [6] estimates for stopping at railroad crossings [7] to wait for trains. When the DEIS talks [8] about concerns that exist here, there are [9] sadly seldom any solutions to the concerns [10] stated. Take the example of vibration on [11] houses in Rochester.

[12] According to the DEIS, there [13] are 254 structures in Rochester that would be [14] affected by vibration. Nowhere does the DEIS [15] give assurance or make recommendations that [16] the owners' quality of life issues are going [17] to be addressed. The DM&E has told these [18] owners that it has no intention of buying [19] their property. It is not fair to think that [20] these structures will just be allowed to [21] deteriorate over time with no help from the [22] railroad.

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[1] These same structures and people [2] will also be bombarded with noise levels [3] above the accepted level of 65 decibels. [4] Nowhere does the DEIS discuss the double [5] whammies these individuals will endure. The [6] DEIS says that the overall impacts to [7] business and industrial land use are expected [8] to be positive. However, negative impacts [9] potentially significant may occur to certain [10] businesses adjacent to the rail line.

[11] Listen carefully to representatives [12] from the Mayo Clinic, the hotel industry and [13] Pemstar. Again, there is no suggestion or [14] recommendation as to what can be done to [15] alleviate these businesses that will be [16] negatively impacted. It is not fair that one [17] business be allowed to harm another in such a [18] manner.

[19] Do you consider the loss and impact [20] on these businesses when you are considering [21] the economic impact of the increased freight [22] traffic on Rochester. The STB also needs

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[1] adequate time to develop some solutions to [2] the problems that have been raised in these [3] meetings and to respond to those raising [4] these issues. Thank you.

[5] **MR. MIEDTKE:** I am Duane Miedtke. [6] I am a retired professional engineer living [7] on the other side of the tracks. I am going [8] to spend a few seconds talking about the EIS [9] in particular and not addressing the issues [10] in depth to the extent that it should as it [11] looks at the impact. Let me give you two [12] examples. First of all, in regard to air [13] pollution. The City of Rochester is [14] designated as a nonattainment area due to the [15] amount of pollution in the downtown area. [16] The Draft Environmental Impact Statement is [17] silent regarding the excessive pollution that [18] will be added to the already high level by [19] the 90 to a hundred diesel locomotives going [20] through downtown every day.

[21] Further study will show that that [22] amount of pollution will adversely affect the

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[1] environment and be extremely detrimental to [2] the health of the citizens of Rochester and [3] of Olmsted County. Even with a bypass, the [4] amount of pollution reached in Rochester will [5] create a significant problem.

[6] Secondly, the traffic study speaks [7] to the fact that we have a number of blocked [8] intersections. Now, I live north of town. [9] Every time I come into

downtown I cross those [10] tracks. Obviously if I know that there is [11] going to be a train or a possibility of a [12] train, I will divert my route, go over to [13] Highway 52 and come across on the overpass. [14] Except that Highway 52 is already overloaded [15] with too much traffic.

[16] We are already doing studies which [17] say we have to upgrade it, and those studies [18] did not include the impact of the thousands [19] of us that live north of the tracks that [20] would seek that route in coming downtown. [21] From that standpoint, from those two issues I [22] think the whole Environmental Impact

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[1] Statement needs to be rereviewed and looked [2] at all the issues in depth and not just [3] touching across the top of it.

[4] I am very concerned that the local [5] citizens are going to be expected to pay for [6] any and all solutions to some of the [7] mitigating problems. I say if the railroad [8] wants to come through, then the railroad [9] should meet all the criteria of overpass, [10] underpass, gates, whatever, and the railroad [11] should pay for it, not the citizens who are [12] going to be adversely affected. Thank you.

[13] **MS. BOYUM:** My name is Sally Boyum. [14] I am a member of the Eastside Pioneers [15] Neighborhood Association. I was here this [16] afternoon and I listened to some very [17] compelling and some very emotional testimony. [18] You might get some emotional testimony right [19] here.

[20] It's been very difficult for me to [21] see this divide between the county and the [22] city. Part of what I was going to say is

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[1] that my Swedish great grandfather came to [2] Rochester in the late 1800s, and since then [3] six generations of my family have called [4] Rochester home.

[5] My Norwegian great grandfather on [6] the other side settled in Kasson, Minnesota. [7] So I really feel quite a tug here. However, [8] I have a great stake in this city which six [9] generations of my family have called home. [10] My great grandfather lived in the same [11] neighborhood near the railroad tracks where I [12] currently have my home. My neighborhood is [13] primarily comprised of elderly people on [14] fixed incomes, young families just starting [15] out, and single-parent head of households [16] like myself.

[17] The DM&E proposal will make [18] everyday life truly unbearable in our [19] wonderful neighborhood. I have seen my [20] elderly neighbors be just devastated and not [21] knowing where to go

and trusting that the [22] government is going to do right by them. We

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[1] have already talked about the 12 trains per [2] day.

[3] I think you heard it enough to [4] establish that no, we do not have that many. [5] Come sit in my house and see the three or [6] four go by. The highest number I have ever [7] seen is six. But one of my neighbors [8] commented that if we do have 37 trains a day, [9] it will be one train every 40 minutes and [10] none of us will ever sleep again.

[11] The increase in heavy coal train [12] traffic will expose our neighborhood to much [13] higher levels of noise vibration and an [14] increased risk of derailment. Those of us [15] close to the tracks will experience decibel [16] levels that HUD considers unacceptable for [17] human habitation.

[18] Our neighborhood has sandy soil. [19] Sand shifts. Those increased vibrations will [20] wreak havoc on our foundations and the [21] structure of our homes. But we didn't see [22] any mitigation for us for noise and

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[1] vibration. So what are your recommendations [2] to the railroad to compensate for us to [3] improve our homes so we can survive the [4] assault of these trains. We are the human [5] environment of this city. We look to you for [6] protection from the destruction of our [7] quality of life as surely as any endangered [8] species. I would hope that you would [9] consider what you would want for your family [10] and your home and your neighborhood if you [11] were in our place. I support a no build [12] policy.

[13] Rochester, Minnesota, in addition [14] to having been home to several generations of [15] my family, is also home to one of the most [16] important medical institutions in the world, [17] the Mayo Clinic. The world has benefited [18] from Mayo's medical discoveries. Coal train [19] traffic will make Rochester a less desirable [20] place to live.

[21] Will we still be able to attract [22] the same caliber of medical personnel that

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[1] have improved life for all people all over [2] the world. How do you mitigate the potential [3] loss of important medical discoveries. Thank [4] you.

[5] **MR. SOLEM:** Good evening. My name [6] is Lyle Solem. I want to thank the Board for [7] being here to listen to all of us. I live in [8] Rochester. I have been here for a number of [9] years. This evening I would like to share [10] with you a true experience. I was the [11] Governor of

Kiwanis International for [12] Minnesota and Dakotas' district, which [13] includes North Dakota, South Dakota and [14] Minnesota. As the governor of Kiwanis you [15] have to travel all through those three [16] states. You have to visit all the clubs. [17] Kiwanis is a service for our communities.

[18] We were making this trip, we were [19] up in North Dakota in November 1996. We were [20] in Jamestown, North Dakota. We checked into [21] the motel and we were unpacking our suitcases [22] when suddenly there was a noise. I honestly

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[1] thought it was a tornado or a runaway truck.

[2] I talked to my wife. She couldn't [3] even hear me. You had to yell. We opened up [4] the curtains and looked out, and about a half [5] a block to a block away was the Burlington [6] Northern train going through with all those [7] hundred plus cars. It zoomed through. A few [8] minutes later we were just unpacking. A [9] while later another one.

[10] Well, that evening we had a banquet [11] which I was the keynote speaker. Those [12] trains, I don't know if they were every hour, [13] half hour or what. I can't honestly tell [14] you. But at the banquet in that hotel you [15] had to stop or you had to yell, because you [16] could not hear, other people could not hear [17] you.

[18] The two concerns that I really have [19] with regards to this train coming through [20] Rochester, is what will you propose to the [21] DM&E to prevent this from happening around [22] the houses and the businesses, because they

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[1] will not hear anything when this train comes [2] through. The second concern I would have, [3] people that live there, because the noise is [4] so high, the decibel level is so high, if [5] they become deaf and filed a lawsuit, are you [6] responsible or is DM&E for the loss of [7] hearing?

[8] In summary, the trains will be [9] flying through Rochester and will bring no [10] economic impact to the city. What they will [11] bring is noise. You did ask for solutions, [12] and I do have a solution. In the power [13] business it's referred to as wheeling, when [14] you drop some electricity on a line in [15] another area. Why don't we put this power [16] plant right out at the Powder River Basin [17] area and wheel that power out of there. That [18] will save the pollution. It saves the [19] railroad tracks.

[20] I would like to take this [21] opportunity to thank you for letting me

share [22] my experience with you. I say stop the

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[1] train.

[2] **MR. VANSKOY:** My name is Robert [3] Vanscoy. I have lived in Rochester for 34 [4] years. Actually, I grew up in a small town [5] in Iowa called Osceola, Iowa, about 50 miles [6] south of Des Moines. I actually come from a [7] railroad family. My father was a railroad [8] official for the Burlington Railroad, which [9] became the Burlington Northern Railroad, [10] which became the Burlington Northern Santa Fe [11] Railroad. He still lives in Osceola, Iowa, [12] which is on their main line.

[13] Every day 30 plus full coal trains [14] go east through Osceola and 30 plus empty [15] coal trains go west out of Osceola. I know [16] the numbers that have been spoken about here [17] in our meeting have been 30 total, thirty [18] some total coal trains. But I have a [19] question, if the expense of putting in a [20] double line ribbon rail line through, will [21] they really stop at thirty some coal trains [22] per day.

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[1] Secondly, we have all heard about [2] the blockage of the crossroads, of the roads. [3] That is a really serious problem. You have [4] spoken about that before. Some things, if [5] the trains actually amount to seventy some [6] coal trains a day, then it's more than the [7] thirty some we have been talking about. [8] Furthermore, when one train gets too close to [9] the one in front of it, then it must slow [10] down wherever it is. This happens on the [11] railroad. So if it's in Rochester and it's [12] too close to a train ahead of it, it must [13] slow down in Rochester. That's a serious [14] problem.

[15] Secondly, the doubles on the [16] details, and a lot of the details are fine [17] details that we probably don't have time to [18] deal with, but must be dealt with. For [19] example, the vibration factor interferes with [20] the MRI scanners. It makes the MRI scanners [21] inaccurate. With the new MRI scanners, it [22] makes them even more inaccurate because they

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[1] are more sensitive to vibration.

[2] Another factor with respect to the [3] Mayo Medical Center is that we have a large [4] number of intensive care units. If a [5] chemical spill or if a coal train spill [6] occurs, the coal may be combustible on its [7] own without anything setting it on fire. [8] There is no place nearby to evacuate all of [9] those people in the intensive care units.

[10] So I do wish to thank the Surface [11]

Transportation Board for coming here and [12] listening to us. I hope they were able to [13] see what a special community Rochester is, [14] what a special place Mayo Clinic is, not only [15] to Rochester but to the United States, and [16] for that matter, for the world, and what a [17] disaster it would be if we have so many coal [18] trains going through downtown Rochester. [19] Thank you.

[20] **MR. ORLOWSKI:** My name is Mark [21] Orłowski. I am speaking as a representative [22] of myself and my family as citizens of

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[1] Olmsted County and the State of Minnesota. I [2] would like to address the DEIS aspects of the [3] noise, safety, economic justice, cultural [4] considerations and health. In other words [5] all the things that I consider to make up [6] quality of life issues for me and my family.

[7] I think there have been a lot of [8] facts and conflicting facts and opinions [9] presented here today. But I wonder how many [10] people in this room have actually seen unit [11] coal trains in action. There have been a lot [12] of comparisons to trains that currently run [13] through this area. Really, physically there [14] is no comparison. I have seen unit coal [15] trains in operation out in Eastern Wyoming, [16] just west of Black Hills. I suggest if [17] anyone wants to take a road trip they might [18] want to head out there and see what these [19] things are like.

[20] They are just huge. They can [21] stretch over a mile-and-a-half long. They [22] are not pulled by one or two locomotives.

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[1] Three or four locomotives. They are just an [2] awesome thing to behold in person.

[3] One thing about them running [4] through Eastern Wyoming is there is very few [5] people out there. I want — I would suggest [6] to the STB members that perhaps you might, if [7] you have some time before you fly out of [8] here, go to just a few blocks east of here [9] where the tracks run through my neighborhood [10] in east Rochester. There is a nice [11] recreation trail there. It's very pleasant. [12] The weather is not so great now.

[13] But tell me how you see these units [14] being compatible with that neighborhood [15] environment, because I sure don't. I think [16] to say that we should accept an upgrade of [17] this scale through our city is like saying [18] you should accept a high speed divided [19] highway in front of your house

because you [20] always had car traffic there. I think it's [21] ludicrous.

[22] Right now I live four blocks away

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[1] from the current right of way. My wife and I [2] can hear the existing, three trains [3] approximately per day, when we have our [4] windows open. To be quite honest, it's [5] really not an issue. Because we know that [6] when that train is gone we may not hear one [7] for days.

[8] But we are talking about every 40 [9] minutes one of these coal trains coming [10] through our neighborhood at decibel levels [11] from the charts I have seen, about 15 [12] decibels more than the current trains. This [13] is totally unacceptable from a quality of [14] life issue. I want to come out in opposition [15] to this proposal.

[16] I am upset that this process has [17] degenerated to pit the urban and rural [18] citizens of this county against each other. [19] But this proposal does not fit the future of [20] this community or the future of this nation. [21] Thank you.

[22] **MR. RUPRECHT:** I am not Kathy

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[1] Ruprecht, as you can see. I am David [2] Ruprecht. I will speak for the both of us. [3] To let you know to begin with, I was for the [4] upgrade on the train. We live outside of [5] Lewiston about two miles. We heard on [6] television and the papers that the switching [7] station was going in on our property, or [8] between Utica and Lewiston, and we are right [9] square in the middle. Nobody had talked to [10] us. Nobody had said anything.

[11] The first time we met Mr. Kevin [12] Schieffer was on the train. He was kind [13] enough to take us for a ride and show us [14] where everything was going to go. The second [15] time we saw Mr. Schieffer after he had said [16] to the media, if the landowners don't want [17] that, we won't put it in, we will move it [18] someplace else.

[19] We met with him, the six [20] landowners, Mr. Schieffer said it's going in [21] between Utica and Lewiston. We asked him [22] about eminent domain. He told us, yeah, we

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[1] have the right of eminent domain but we won't [2] hold it over your head; we will give the STB [3] Board two options to put the switching [4] station and then we will take it.

[5] Now, on that map that you were [6] given you will see where we live by that [7] star, north of Highway 14. They are going [8] through all of our property and they are [9] going to take 80 acres of our ground. The [10] crop equivalency rating

on those parcels [11] range from 94 to 98, the top being a hundred, [12] which is as high as it gets.

[13] They are forcing us on Highway 14 [14] to go a minimum of 2.9 miles around to get to [15] the other side of our property. That is [16] going to take roughly 30 to 40 minutes round [17] trip. Two-thirds of our product has to go [18] one way or the other. We have 700 steers. [19] We have 520 acres and rent another 200 acres. [20] Two-thirds of everything has to go across or [21] now around that track.

[22] We don't travel. We travel very

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[1] little on Highway 14 because of the danger. [2] We cross Highway 14, take our dirt road, go [3] down to the crushed rock road on Township 13, [4] that they are closing. After that is done, [5] it's going to be a mile — or almost three [6] miles to the east, three miles to the west. [7] It makes no difference. They throw us on [8] Highway 14. Not once was anything ever [9] stated on the EIS report about our safety.

[10] I beg you, please come down and see [11] what we are talking about. I will come to [12] Rochester and take you back down there if you [13] would like and bring you back. But please [14] show what our family is going through. I am [15] really sorry if this bypass goes out in the [16] country, to deal with Kevin Schieffer. I [17] really feel sorry for you. We know from [18] experience. Thank you.

[19] **MR. HEG:** My name is Glen Heg. I [20] am a farmer. Actually I farm with Dave. [21] Dave's farm has been in the family [22] since 1941. We currently own 520 acres. We

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[1] rent another 200 acres. We raise 700 dairy [2] steers from calf to finish. The DM&E is [3] proposing to build a staging yard beginning [4] one mile east of Utica. It will continue [5] for 2.1 miles and then 1.3 miles west of [6] Lewiston. It will go directly through our [7] property and take 80 acres of our land.

[8] What are the implications of that [9] loss of acreage. First of all, they will [10] close all of the field roads and the township [11] road, cutting off our direct access to the [12] acres that lie south of the tracks. Our [13] building site is one-third on the south third [14] of the tracks and two-thirds of our land is [15] on the north side of the tracks. We will [16] have to travel a minimum of 2.9 miles one way [17] with every load of grain that we harvest and [18] every load of manure that we haul. We will [19] either have to go west toward Utica on U.S. [20] Highway 14, turn south on County Road 18 and [21]

go back east on Township road 10 to our land. [22] A minimum time of 40 minutes per trip.

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[1] Go east again on Highway 14 to a [2] new field road that the railroad has proposed [3] building. Go south, then come back west to [4] our land, and go east on Highway 14 to [5] Lewiston, south on County Road 29 and west on [6] County Road 18 to get to our 80 acres to the [7] south. This is not economically sound.

[8] Secondly, we live right on U.S. [9] Highway 14. So that means that we are [10] traveling with tractors and other farm [11] machinery on a very busy highway. It has [12] been called the most dangerous highway in [13] Minnesota. In 1998, Minnesota Department of [14] Transportation statistics say daily traffic [15] on U.S. 14 west of Lewiston exceeds 5,000 [16] cars and 370 heavy duty trucks. That's a [17] safety issue.

[18] Thirdly, if this project is to be [19] completed there will be 12 tracks south of my [20] house, at approximately 200 feet away. We [21] have three children and we have real concerns [22] about safety, both from the additional

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[1] traffic that 12 tracks and 37 trains per day [2] will bring and from the transient population [3] that such a facility would draw.

[4] Dave's parents live next to us. [5] They also will have 12 rows of tracks to [6] contend with. They have a beautiful home in [7] the country built on three acres that will [8] drop considerably in value. With the noise, [9] dust, congestion, and a loss of their [10] aesthetic view, my parents are in [11] their 80s — parents are in their 80s and [12] they shouldn't have to be afraid to open [13] their doors.

[14] In conclusion, there is some [15] frustrations and concerns. Safety being [16] number one. In the 16 months since we have [17] heard about this project on television the [18] DM&E has shown total disregard for our [19] family's safety and from the safety of all [20] those who travel between Utica and Lewiston [21] on Highway 14. They should not be putting us [22] on U.S. Highway 14 with agricultural

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[1] equipment. I ask why should you grant the [2] DM&E permission to proceed with this project [3] when they have so little regard for human [4] life. Again, I extend that invitation to our [5] property. Thank you.

[6] **MR. CAMPION:** Good evening. My [7] name is Michael Campion, and I am here

to [8] speak on behalf of my family in opposition of [9] the railroad bypass as proposed by the City [10] of Rochester. This proposed upgrade on an [11] already existing route has many issues [12] revolving around it. Environmental safety [13] and quality of life, just to name a few. [14] However, all these issues can be [15] broken down and categorized into two [16] fundamental categories. The first would be [17] those problems that can be minimized and [18] mitigated by working together and coming [19] together with a compromise on the existing [20] route. The second category involves those [21] new problems created by a new problem that [22] cannot be mitigated by working together. A

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[1] bypass creates a whole new situation. It is [2] more harmful and detrimental with factors [3] that cannot be mitigated.

[4] With this framework in mind, I [5] would like to address several issues, [6] including the overblown, highly exaggerated [7] emergency vehicle response time. However, [8] due to time concerns I will focus on the [9] environmental concerns. On October 27th, [10] year 2000, President Clinton signed the [11] largest budgets ever for the Department of [12] the Interior. President Clinton is quoted as [13] saying, "This agreement is a major step [14] toward insuring communities the resources [15] they need to protect pristine lands from [16] threatened farmland to wetland to pristine [17] coastal areas."

[18] I mention this bill as an example [19] of how the bypass will create new [20] environmental problems that cannot be [21] mitigated. The 34 mile bypass will [22] consume 800 acres of pristine farmland that

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[1] the Interior Department was asked to protect. [2] There is no way to minimize this destruction. [3] Not only will the bypass destroy farmland, it [4] will irrevocably damage and destroy wildlife [5] habitat.

[6] Woodland and wetlands and [7] vulnerable prairie land will be degraded or [8] lost. These are the very environments the [9] Department of the Interior is asked to [10] protect. Now the City of Rochester wants you [11] to overrule the Interior Department and move [12] ahead with this unnecessary and unwarranted [13] destruction of the environment.

[14] The environmental concerns on the [15] existing rail line do not begin to approach [16] the concerns of the bypass line for the [17] simple fact that the rail line is already in [18] place. The increased rail traffic is simply [19] that, an increase. A bypass is a whole new [20] problem with

new destruction. The [21] environmental impact on a increase in rail [22] traffic on an existing route, one that has

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[1] only five to six blocks of non-commercial [2] development along it, is nothing compared [3] with the destruction of the new habitats.

[4] To summarize, the bypass actually [5] creates more problems that cannot be [6] minimized than it alleviates. The upgrade on [7] the existing line has problems that can be [8] minimized with cooperation between Rochester [9] and DM&E. The solutions are much easier to [10] achieve simply due to the fact the route is [11] already in place. Do not let the rhetoric [12] being spread influence your minds. Thank you [13] for your time.

[14] **MS. MICHAELS:** I am Jean Michael, [15] Vice-chair of the Olmsted County Board of [16] Commissioners that unanimously supports [17] option one. I am also a vice-chair of the [18] Environment, Energy and Land Use Steering [19] Committee for National Association of [20] Counties. Thank you for this opportunity to [21] make comments.

[22] The manner in which the Draft

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[1] Environmental Impact Statement handles issues [2] related to geology and threats to ground [3] water quality is uninformed and misleading [4] and is consistently biased in favor of the [5] railroad's proposal. The geologic analysis [6] can be fairly characterized as irresponsible [7] and reprehensible.

[8] The consultant characterizes [9] southwestern Olmsted County as being part of [10] the prairie pothole region. In fact, the [11] prairie pothole is an area of small lakes and [12] ponds formed in flat, poorly drained areas. [13] Olmsted County's geology is characterized for [14] the most part by well drained soils, [15] overlying fractured, rapidly drained bedrock.

[16] Olmsted County is the only [17] Minnesota county with no natural lakes. It's [18] as far from the prairie pothole region as [19] possible. It's clear in the analysis that [20] southeastern Minnesota did not receive the [21] care and attention it deserves. The analysis [22] alleges a threat to ground water quality from

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[1] hazardous material spills and sinkholes. [2] Consistent treatment of this matter would [3] require the same concern to be brought up in [4] connection of the proposed rail yard between [5] Lewiston and Utica in Winona County. That [6] Section on the geology and soils of that [7] railroad site makes no mention of the very [8] high sensitivity of the soils to ground water [9] contamination.

[10] In fact, limiting concern over [11] ground water impacts to areas with high [12] sinkhole probability significantly [13] understates the threat to ground water [14] quality from hazardous material spills. All [15] of the area of Olmsted County underlain by [16] fractured carbonate bedrock is karst. All of [17] it provides an immediate conduit to [18] underlying aquifers. Along the current route [19] the aquifer at risk of contamination is a [20] source of drinking water for the population [21] of Olmsted County. Threats to this aquifer [22] are a serious concern to the health and

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[1] economic future of the entire county. The [2] EIS does not recognize the interconnectedness [3] of surfaces and ground water in southeastern [4] Minnesota. Nearly all of the DM&E line in [5] Olmsted County crosses land mapped as highly [6] susceptible to ground water pollution.

[7] The EIS also does not recognize [8] that the DM&E rail line crosses over the [9] focus ground water recharge area known as the [10] Decorah Edge. This is the area identified by [11] the U.S. Geological survey as contributing [12] about 50 percent of the recharge of the [13] aquifer supplying the drinking water for [14] Olmsted County.

[15] The rail line crosses the Decorah [16] Edge west of Byron, crosses it again both [17] west and east of Rochester and crosses it a [18] third time west of Dover. Construction in [19] these areas has the potential to interrupt [20] ground water recharge and the natural [21] attenuation processes that occur in this [22] setting. Studies suggest that the soils and

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[1] vegetation in the Decorah Edge setting are [2] responsible for nitrogen removal from the [3] recharged water. Ground water quality is [4] vital to the health and vitality of this [5] region. There is scant evidence that this [6] issue and the related issues of geologic [7] setting Decorah Edge hydrology and wetlands [8] and karst created risks receive more than [9] cursory attention from the consultant charged [10] with evaluating the environmental impact of [11] the railroad proposal. Until this issue is [12] studied adequately, the Surface [13] Transportation Board should find it [14] impossible to make an informed decision on [15] the matter before you. We don't want our [16] area to be the poster child for ruined [17] communities caused by an out of control [18] railroad fostered by nonexistent federal [19] legislation. Thank you.

[20] **MS. VRIEZE:** Good evening. My name [21] is Mary Vrieze and I strongly

oppose the [22] bypass around Rochester. My husband and I

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[1] reside in rural Eyota. Our home is located [2] approximately 1500 feet to the west of the [3] bypass. Our home resides on farm land that's [4] been in the family for over 40 years. We [5] live in a third generation home.

[6] My husband's parents live [7] approximately three-fourths of a mile to the [8] west. They reside on the Vrieze family farm. [9] This farm has been in the family for [10] approximately 60 years. Farming is a part of [11] the Vrieze heritage.

[12] We have been told the line could be [13] placed a half mile either way from the [14] bypass. That would mean my home, my third [15] generation home would be destroyed. Tell me [16] how can I be mitigated for losing three [17] generations of history, family and love for [18] this home and farm land. You can't.

[19] Any placement of the rail lane on [20] any of the farm land in this area will need [21] to deal with the sink-holes and karst [22] topography. I challenge the STB and DM&E to

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[1] visit area farms affected by the bypass and [2] ask to see the number of sinkholes on each [3] property. Our plan was to take pictures of [4] the sinkholes but a roll of film wouldn't be [5] enough to cover the number of sinkholes [6] around the area. You can't stop them. They [7] continue to show up in the fields and around [8] our home.

[9] I would like to know how the STB [10] and DM&E plan to deal with the extremely [11] large number of sinkholes. I believe there [12] is no way to ensure safe construction and [13] operation of rail line through this area due [14] to the sinkholes.

[15] In looking at the Vrieze family [16] farm land, derailments are likely due to [17] sinkholes. Derailments can cause pollution [18] to our water supply, damage to the [19] environment and damage to property and farm [20] land. I cannot be mitigated for my family [21] being poisoned because our water was [22] contaminated as a result of a train

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[1] derailment.

[2] My husband needs to cross the rail [3] line, or would be if the proposed bypass [4] passed, approximately 40 times per month in [5] order to go just to work at the Dover-Eyota [6] High School. I myself would need to cross [7] the rail line at least 80 times a month. My [8] brother-in-law, who lives about a mile to the [9] west, would also need to cross about 80 times

[10] per month in order to go to work. My nieces [11] and two nephews attend school in Eyota. [12] Their school bus would pass at least 40 times [13] per month to go to school. I'm not willing [14] to chance my husband's family and my family [15] members' lives that the accident frequency [16] will fall below the SEA's level of [17] significance. A life can never be mitigated.

[18] If the rural residents affected by [19] the bypass do not pay for the proper cross [20] guards with the money out of their pocket, [21] then they are going to pay with their lives. [22] I am not a U.S. Senator, a former Vice

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[1] President, chief justice of the supreme [2] court, mayor of Rochester or executive at the [3] Mayo Clinic. I am a resident and taxpayer of [4] Olmsted County. I work for a nonprofit [5] organization and my husband is a school [6] teacher. Our goal in life is not to make [7] money. Our goal in life is enjoy our family, [8] our heritage and our farm land. We do not [9] have deep pockets, nor a loud voice. However [10] I urge the STB to give my comments as much [11] weight and consideration as those in higher [12] positions. Thank you.

[13] **MR. VRIEZE:** My name is Dan Vrieze. [14] As my wife stated, I am a resident of Eyota [15] Township, Section 20. I am also strongly [16] opposed to the bypass. Our property has been [17] in the family for three generations. I grew [18] up on a family farm and I have hunted this [19] area my entire life.

[20] It's obvious there is a need for [21] upgraded rail lines in this area to haul [22] farmers' grain and coal for electricity. But

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[1] I also oppose the bypass. This would pose [2] many obstructions, obstructions to the [3] movement of farm equipment. [4] Our personal house, the rail line [5] would wrap around it and block the north, [6] south and east crossings, exits from our [7] home. In addition, I have four family [8] members that are buried in the Eyota [9] cemetery. Excuse me. I would not like to [10] see their graves moved.

[11] The karst topography, I talked to a [12] few farmers in the area, and just in the [13] proximity of my home we found 20 open [14] sinkholes. There is no way to avoid these [15] with tracks on a bypass. There are instances [16] of bumps on County Road 23 and Interstate 90 [17] that the old-timers will tell you that there [18] are sinkholes underneath these bumps. They [19] do nothing but get worse. The DOT tries to [20] fix them, and it also has little effect.

[21] In addition to the possible [22] der-

ailments and pollution of the ground

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[1] water, our well on our place needed to be [2] replaced a year ago because the well was [3] polluted. How many more instances of this [4] may we have if the bypass goes through. It's [5] obvious that the area needs upgraded rail [6] beds, and the train and the cargo that they [7] carry. The City of Rochester should not [8] expect rural citizens to sacrifice land when [9] the rail bed already exists. I strongly urge [10] the STB to reject the bypass.

[11] **MR. LARSON:** I am Larry Larson, [12] president of Mower County Farm Bureau. I am [13] representing the Farm Bureau and my concerns [14] for the farmers in our community. DM&E is a [15] very important asset to our communities and [16] the opportunity to upgrade this rail line is [17] exciting to me. This is an opportunity to [18] strengthen the economy of many local [19] communities beyond our vision. It will [20] strengthen commodity prices that farmers [21] receive along this line. It will bring [22] opportunities for expanding markets for

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[1] businesses that already exist and create [2] opportunities for new business to develop.

[3] We cannot foresee what those [4] opportunities are unless we allow the DM&E [5] expansion. The entire country has already [6] lost because of decreasing rail service, and [7] it has been damaging. Our little town of [8] Sargeant lost its rail several years ago, [9] landlocking us to lower commodity prices due [10] to the poor efficiency of trucks. The [11] opportunities to ship west, south and north [12] are gone.

[13] Health and safety are also a [14] factor. Without the rail, many more trucks [15] will be added to the already crowded [16] highways. Do you realize that each hundred [17] car unit train transports [18] approximately 300,000 bushels of grain with [19] one engine. Take that away and add over 330 [20] semis to already crowded highways, adding [21] more fuel burned and a lot more car/truck [22] accidents.

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[1] If you go to Chicago you will see [2] rail all over that town. But you can build [3] bridges and underpasses. It works in [4] Chicago. I believe it will work in [5] Rochester. Thank you.

[6] **MR. FLEMING:** I'm Kevin Fleming. I [7] live just a few blocks from here. I am [8] disappointed in this process. The STB has [9] had two-and-a-half years to write 5,000 [10] pages. We have 90 days to comment and three [11] minutes to

speak. I am disappointed in the [12] process that seems designed to divide our [13] communities and thus conquer them. The STB [14] as I have come to learn is government by the [15] train companies for the train companies. [16] That Rochester and Olmsted County will be [17] forced to bear costs and risks without any [18] real say by an unelected Board. That is the [19] essence of taxation without representation. [20] The very tyranny that was fought at the birth [21] of this country.

[22] We feel threatened by risks not of

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[1] our own making. Our concerns have been [2] trivialized, downplayed or ignored. Our [3] fears are not allayed by telling us that they [4] are unfounded.

[5] The promises of risk management [6] have been shockingly, laughably insufficient [7] and small. Indeed, by the language offered [8] in the DEIS, unenforceable. Precisely [9] because the STB exists as a proponent of this [10] project, their interpretation of the risk and [11] mitigation requirements are not credible. [12] Rather as proponents they are favoring [13] assumptions about risk that decrease the [14] likelihood or ignore them altogether. For [15] example, the discussions about vibration and [16] noise as has been mentioned are simply called [17] difficult to mitigate.

[18] While those who live east of the [19] Mississippi might benefit from the DM&E [20] expansion, Rochester and Olmsted County will [21] be forced to bear all of the associated [22] risks, the noise, the loss of quality of

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[1] life, traffic accidents, emergency disruption [2] without compensation. Instead, those who win [3] by this proposal, DM&E, the power companies [4] and regions eastward should be willing to pay [5] for all of the associated costs. The fact [6] is, the real total cost of this coal is far [7] higher than has been stated. But the STB and [8] DM&E have pushed all the costs on Rochester. [9] Of course coal is cheaper if you don't have [10] to pay for the cost incurred in obtaining it. [11] If this development is truly necessary and [12] valued by society, and we have heard that [13] this is not the case, then those who gain [14] should compensate those who stand to lose. [15] Those who profit must bear all of the costs, [16] not those suffering from the risks.

[17] This project is very much like [18] putting a super highway right through the [19] center of the city. That was said by [20] representative Gil Gutknecht over a year ago. [21] The risks of this project are not just [22] difficult to mitigate, they are impossible to

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[1] mitigate. But they can be ignored. This [2] should not be built.

[3] **MR. RADUNZ:** Good evening. My name [4] is Steven Radunz. I am here to be in [5] opposition to the proposed bypass by the City [6] of Rochester. In October 1998, a number of [7] people in the community became involved in [8] this, when they learned that the city and [9] some officials had drawn up and proposed a [10] bypass route. There were several routes, and [11] they were whittled down to two or three, or [12] we don't really know because there are maps [13] floating all over. The map that we are [14] responding to is the one that's in book 5. [15] The insensitivity of city [16] leadership was put upon rural residents in [17] committees that were formed to study this [18] bypass issue. We had no voting [19] representation on any committee. We were so [20] outnumbered that our vote meant nothing.

[21] Again, city leadership in [22] sensitivity heightened for me on Christmas

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[1] Eve when my father-in-law received a letter [2] sent to all affected households, telling them [3] that they might get \$15,000 to help them [4] relocate. That letter was written on [5] December 24th of '98, Christmas Eve day.

[6] Another part of that letter states [7] the main foundation of employment base for [8] the City of Rochester and for this entire [9] area is based on the services provided by the [10] Mayo Clinic and their ability to compete with [11] health care providers and quality communities [12] throughout the state, the United States and [13] internationally. We want to insure that they [14] continue to choose Rochester. Many patients [15] come to Rochester for that reason. Over 40 [16] percent of the area jobs are provided by the [17] medical care and hotel industry in Rochester. [18] Thirty-four coal trains a day have a serious [19] effect on the attractiveness of the community [20] and for patients seeking medical care.

[21] What are the motivations for a [22] bypass. Greed and selfishness. See my

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[1] needs, see my point of view. Are safety [2] issues and emergency response issues of less [3] importance to rural residents than city [4] residents. Is a life less important in the [5] rural areas than in the cities. I think not.

[6] Rochester is a unique city. It is, [7] as you have heard, a company town, with the [8] Mayo being its driving engine. Mayo's [9] powerful influence is felt and extended [10] through the city, state, and county [11] government and policy and

decisions are made [12] by these officials.

[13] I beg you to just keep it simple in [14] your decision making process. Read your DEIS [15] that you have now. Thank you very much.

[16] **MR. BJORGUM:** My name is Bruce [17] Bjorgum. My wife and I live in rural [18] southeast Rochester, approximately half-way [19] between the current DM&E railroad tracks and [20] the proposed DM&E bypass route. I speak as [21] an individual. I speak against the Rochester [22] bypass. I speak against the entire proposal.

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[1] I speak in favor of the no action [2] alternative. Rochester, Minnesota, is a [3] unique city. If the original Dr. William [4] Worrall Mayo had not come to Rochester 136 [5] years ago this city would be just another [6] rural Minnesota city.

[7] Thinking out of the box is in vogue [8] these days. Let's try some. It's baffling [9] to me why the DM&E railroad folks didn't [10] think out of their box originally. Why they [11] didn't realize the uniqueness of Rochester, [12] Minnesota and the Mayo Clinic and say to [13] themselves, you know, this city is a special [14] place, if we make plans to avoid problems [15] there, this proposal will probably go a lot [16] smoother. The Surface Transportation Board [17] might think out of the box and would say, you [18] know, this Powder River Basin expansion [19] project is a lot like a prison inmate task of [20] moving a pile of rocks from point A to point [21] B. The STB should consider tabling the [22] Powder River Basin expansion project

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[1] indefinitely on the basis that nothing is [2] known about what will happen to millions of [3] tons of coal that this railroad would deliver [4] to Winona. I would hope that the Surface [5] Transportation Board would not want to see [6] any decision of theirs used perversely as [7] justification for some equally poor decisions [8] made elsewhere by others. [9] For example, isn't it conceivable [10] that coal piling up in Winona might be used [11] as justification for some environmentally [12] unsound coal transportation projects down the [13] Mississippi River or in the eastern United [14] States because we couldn't just let the coal [15] sit there. If nothing else, as stated in [16] footnote 11 on page ES 22 of the executive [17] summary of the Draft EIS, it would seem to be [18] within the Surface Transportation Board's [19] purview to consider and balance the proposed [20] economic advantages of this project against [21] the equal or greater economic harm done to [22] corporations and communities along the

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[1] proposed route.

[2] So finally, what are we left with. [3] We are left with the DM&E Railroad, a [4] shameful and unneighborly corporation asking [5] you to apply process and laws that are out of [6] step with the 21st Century for the purpose of [7] approving a project that taken by itself is [8] without merit.

[9] This project should be rejected [10] outright for many good reasons. But from the [11] perspective of Rochester, Minnesota, and the [12] Mayo Clinic, an institution of international [13] repute as well as the economic dynamo for [14] Minnesota and the upper midwest, for an [15] agency of the United States federal [16] government to make any decision that might [17] negatively impact this important medical [18] center directly or indirectly would be [19] obscene.

[20] **MR. ELTON:** Yeah, my name is Jim [21] Elton. I am the present chairman of the High [22] Forest Township. As a High Forest Township

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[1] official, land owner and concerned parent, I [2] oppose the DM&E bypass for these reasons. [3] Number one, I-90 already dissects High Forest [4] Township and dead ends many roads. This [5] would only dead end more roads, causing [6] dangerous situations for school buses and [7] fire and rescue vehicles. It would also [8] delay both services as well.

[9] I was just handed a sheet here a [10] while back that the Stewartville School [11] District, the buses would cross 168 times a [12] day alone. Also, farms would be blocked [13] between I-90 and the railroad tracks if this [14] went in, the bypass went in.

[15] Number two, farms would be split, [16] causing problems and hardships, such as [17] farmers would lose their building sites, [18] homes and travel many miles to do their crop [19] land.

[20] Number three, on highways 14, 63 [21] and 52 there would be no overpasses, which [22] would cause many delays not only for fire and

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[1] rescue but also for many people going and [2] coming home from Rochester. Rochester has to [3] remember that a large portion of their work [4] force is outside of Rochester.

[5] Transportation and maintenance [6] costs would also increase, which would put a [7] burden on everyone affected by the bypass. [8] This would cause a trickle down effect from [9] the cities, to the townships, which would [10] create new taxes.

[11] In closing, with all the money [12]

spent on opposing this project, Rochester [13] could have helped pay for over and [14] underpasses, sound barriers and be whistle [15] free through Rochester. Thank you.

[16] **MS. KEELER:** Hi. My name is Lynn [17] Keeler. I am just a concerned citizen and I [18] live just a few blocks away from here. My [19] home is like just a half a block away from [20] the railroad. As it is now, just three [21] trains that come through, my house does [22] vibrate. I can't imagine what it would be

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[1] like to have 37 trains come barreling through [2] all the time. I really question what kind of [3] sleep that I would get.

[4] I think my other concern is the [5] fact that the school age children that come [6] through, they walk, they ride their bikes, [7] and also the buses, and how the safety would [8] be with that. I see children on occasion now [9] with the trains coming through and at a [10] slower rate, will jump on a box car on one [11] block and jump off at another. I can see [12] them still trying to challenge to do that [13] with these trains barreling through at 50 [14] miles per hour. Or hurrying to run to beat [15] the trains so they can get to school on time. [16] That is just something that — I think safety [17] is something that is not really addressed.

[18] I don't think that vibrations or [19] the pollution issue was that much addressed. [20] I really think we definitely we need an [21] extension just so we can look at the impact [22] statement because I just can't decipher all

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[1] that. It's just a huge amount of volumes, [2] and I really think we need like a six-month [3] extension, not January 5th or even 90 days. [4] I think we really need to take a good hard [5] look at what is there. I think the one thing [6] that's been bothering me tonight is I [7] consider Olmsted County and even the cities [8] that are outside of Olmsted County our [9] communities. It's really bothering me how we [10] are dividing ourselves between what the City [11] of Rochester wants and what the people want [12] that are being affected by the proposed [13] bypass.

[14] I prefer just to see this not [15] happen at all. I think we can build a power [16] plant out in Wyoming. We can wheel the [17] electricity. We can look at wind power as [18] another form of energy. Coal is a pollutant [19] in itself. I think we need to look at other [20] forms of energy. This vein is supposedly [21] going to be dry in 10 years. So why are we [22] putting a billion dollars into rail and turn

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[1] around and it is not going to be productive [2] in another decade. This is the 21st Century. [3] There are cleaner forms of energy available. [4] I really think if we are going to have to put [5] up with upgrades, that the DM&E does need to [6] pay for the overpasses and the underpasses [7] and the protective walls and sound barriers.

[8] I personally do not understand why [9] we as a community have to go ahead and put up [10] with a corporation and that their needs are [11] more important than safety. I really truly [12] believe that safety needs to be rural and [13] here in towns. So I propose to just not have [14] this upgrade at all. Thank you.

[15] **MR. BERMELE:** My name is Jerry [16] Bermel. First of all I would like to [17] compliment and commend you folks for taking [18] your time. It's obvious that your work on [19] this Draft EIS was a big job and certainly [20] work to go on. So thank you.

[21] Also, to preface my remarks I would [22] like to sympathize somewhat with those folks

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[1] in the Lewiston area. I think it shows that [2] there is a whole lot of work to be done. [3] It's a huge project. It's a major project. [4] There are areas like that that have to be [5] attended to. A few bricks don't make a [6] building. That's obviously an area that has [7] to be attended to yet.

[8] I am a resident of the city of [9] Eyota, which is the next city east of [10] Rochester on the DM&E line. I was a member [11] of the Traffic and Safety Subcommittee of the [12] Rochester and Olmsted County DM&E task force. [13] I was also a member of the committee that [14] represented the City of Eyota which [15] negotiated our community agreement with the [16] DM&E. During the process of negotiating the [17] community agreements I also had the [18] opportunity to join with the cities of [19] Lewiston and Kasson for some of their work.

[20] On that note I would like to [21] commend the DM&E and Mr. Schieffer for their [22] willingness to work with affected

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[1] communities. It was a good process that for [2] the most part worked. The City of Eyota has [3] one of the very few side tracks where trains [4] can pass each other on the entire DM&E [5] system. Because of this we routinely get [6] trains that are slowing, stopping and backing [7] up. This causes long waits. Some as much [8] as 15 and 20 minutes on Highway 14,

Center [9] Street and County Road 7.

[10] With the railroad upgrade, and as [11] agreed upon in our community agreement, this [12] siding system and the congestion it causes [13] will be eliminated. I must also note that in [14] Eyota our crossings are routinely slowed and [15] delayed as train cars loaded with coal are [16] sided, stored and jockeyed before they are [17] brought into the City of Rochester for their [18] coal fired electrical generating plan.

[19] In Eyota we are regularly [20] inconvenienced by Rochester's coal shipments. [21] But as a good neighbor, we haven't [22] complained. Most of the very concerns that

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[1] many have brought forth today are concerns [2] because their local governmental [3] representatives and leaders have failed in [4] their responsibility to this community. They [5] have had the opportunity to negotiate, to [6] mediate these concerns with the DM&E, but [7] have continually shunned that opportunity [8] while belittling, vilifying and otherwise [9] ridiculing the DM&E corporation.

[10] Over the last two years the [11] Rochester community could have been [12] negotiating for grade separations, a [13] communication system integrated in the law [14] enforcement center dispatch or the dispatch [15] center and other important concerns. In the [16] past two years I was personally told by a [17] supervisor for Gold Cross ambulance that they [18] may have to make adjustments for the upgrade, [19] but they would continue to serve this area [20] with top notch emergency medical service and [21] they would not join in causing fear to area [22] citizens.

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[1] To close, this would be a [2] tremendous piece of transportation [3] infrastructure that would benefit all of us. [4] I urge you to permit this proposal to become [5] a reality on its present corridor. Also, I [6] would like to discourage the extension of [7] the 90 day comment period. I think it's [8] adequate. We have been working on it two [9] years and we pretty well all know what the [10] concerns are. Thank you.

[11] **MR. NELSON:** Ladies and gentlemen, [12] we are glad you are here and hopefully this [13] meeting will be informative to you. We are [14] just trying to relay some of our concerns. [15] My name is Rollie Nelson. I am on the Rock [16] Dell Town Board. I happen to be a [17] supervisor. I am here just in honor of our [18] constituents in the Rock Dell Township.

[19] Some of the things that we would be [20] concerned about would be road closings. One [21] of the bigger determining factors would be [22] statute number 219-073, which says that less

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[1] than a hundred cars used in any one day, the [2] road would stand to be closed. This would [3] probably cover most of our township roads. [4] This would be a definite, you know, disaster [5] to our town people.

[6] Some of the other things we are [7] concerned about is the fact that it would up [8] the cost of our maintenance considerably, in [9] fact dramatically. It would impair the [10] grading, the fire protection, the loss of a [11] tax base, snowplowing, postal service, and [12] school bus routes. The railroad would split, [13] disrupt, and possibly annihilate numerous [14] businesses, namely farming, which is the [15] biggest source of our food supply. There is [16] a real need for a decision to be made [17] immediately.

[18] In closing, the summary, the City [19] of Rochester has no right in their authority [20] to cast their problems out in the rural area [21] on to our rural people. Thank you.

[22] **MS. CARLSON:** My name is Joyce

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[1] Carlson. This is a very personal statement. [2] My husband Harley and I have lived in [3] Rochester northeast for 42 years. We love [4] living in Rochester and are truly sickened by [5] the thought of 30 to 40 coal trains going [6] through our wonderful city every day. But it [7] is not the degradation of the city by coal [8] trains that I wish to address tonight, but [9] the real danger to life itself. We have [10] numerous grandchildren who come to visit us [11] often. Several have had serious breathing [12] problems. Three times in about as many years [13] we have had to rush them to the emergency [14] room at Saint Marys Hospital. A delay of [15] five to 10 minutes could be fatal in these [16] situations.

[17] My blood runs cold when I think of [18] waiting for a mile long train to pass as our [19] grandchild is gasping for breath. I come [20] from Montana. I have seen these mile long [21] trains and I know how long it takes them to [22] pass. When you have a choking child or a

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[1] bleeding child or a child who has just [2] swallowed poison, it takes an eternity for [3] these coal trains to pass.

[4] There are hundreds of such children [5] in northeast and northwest Rochester who need [6] emergency room attention every year, whose [7] lives will be threatened by these trains. Is [8] the DM&E and

the Surface Transportation Board [9] willing to take responsibility for the lives, [10] yes, even the deaths of these children. This [11] is a very real problem. Thank you.

[12] **MS. BRADTUS:** Thank you for this [13] opportunity. Thank you for coming here. I [14] rise in support of the no build alternative. [15] My name is Nancy Bradtus. I served in the [16] state senate of Minnesota representing the [17] City of Rochester and Cascade Township for 17 [18] years. I have served eight years on the [19] State Higher Education Board. Now I am proud [20] to serve as the vice-chair of the Citizens to [21] Stop the Coal Trains. I wish this committee [22] did not need to exist. It is with great

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[1] sadness that I heard tonight the kind of [2] remarks and the acrimony that is felt in our [3] beautiful dear city of Rochester and the [4] wonderful county in which we are located.

[5] First off, I implore you to extend [6] the comment period another 90 days beyond [7] January 5th, 2001, in light of the two-year, [8] two-and-a-half year period that the STB had [9] to produce the five thousand plus page, 65 [10] pound draft. I think it would be only fair [11] to extend our time to comment. I have heard [12] every person who has testified today. I have [13] been deeply touched by the testimony on both [14] sides. But the crux of this issue really [15] comes down to the loss of jobs.

[16] When the world, and the United [17] States of course, hears that Rochester, [18] Minnesota, where patients come because it is [19] a clean, peaceful, quiet, crime free city, [20] when they come here for their medical care [21] and find out that we have 37 trains a day, [22] with train whistles every 40 minutes,

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[1] obviously some of them are not going to [2] return here as patients because there are 12 [3] other medical institutions of just about [4] equal quality.

[5] When Mayo loses patients, they will [6] have to make layoffs. It is true, when Mayo [7] has fewer patients, the hotels are not [8] filled, nor are the restaurants, nor are any [9] other business entities. I beg the STB to [10] choose the no build alternative. Thank you [11] very much.

[12] **MR. FLYNN:** Good evening. I am [13] Matt Flynn. I am an Olmsted County [14] Commissioner, and I represent two-thirds of [15] this county, pretty much all the land mass [16] outside of City of Rochester.

[17] Obviously the train now covers 50 [18] percent of my district. A bypass would [19] cover 95 percent of the district. As we

look [20] at it in the outer city limits, there is no [21] difference between a Stewartville or Hayfield [22] school bus or Rochester school bus or a South

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[1] Dakota school. The situation does not solve [2] itself by moving tracks.

[3] In the political jurisdiction, you [4] can argue one way or the other. I can give [5] you relay medical time delays everywhere. [6] The problem is we have to face reality and [7] solve the problem where we have got the [8] current track. That is where it comes down [9] to your Board. I have to make decisions at a [10] county level. You have to make a decision [11] soon or the split continues in the mid-west on [12] this railroad track. It's been two years, [13] make the decision. If you make a decision to [14] upgrade the tracks, make the precautions that [15] are necessary along the route or deny it and [16] get on with it. Life goes on and we have got [17] to make a decision. Thank you.

[18] **MS. BREEN:** My name is Carol Breen. [19] I live about two-and-a-half blocks from the [20] track. I am married with two children. It [21] really scares me because the tracks, we can [22] hear the train, it wakes us up now in the

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[1] middle of the night. Doesn't matter when it [2] is. My kids and I ride bike and the bike [3] path crosses that track very many times. I [4] am very worried about that. It's very much a [5] danger.

[6] I have seen the attitude of the [7] engineers now, which is not good. I have [8] seen them on Broadway pull up until the rails [9] go down, they sit on the side of the track [10] and they wait until the traffic backs up. [11] Then they back up. They never go across the [12] street. To me that's a really bad attitude [13] to start with.

[14] Yesterday I got stuck in traffic, [15] the train was going across the main track and [16] the siding at the same time. So the people [17] who were watching the main track with the red [18] lights and bars down, but the siding did not [19] have that. A car went around me and did not [20] see it. It just was really close to getting [21] hit. They were not slowing down. They [22] didn't care whether you were on the track or

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[1] not.

[2] I am also a nurse in this town, and [3] I take care of handicapped people. There is [4] a building about two blocks from the tracks [5] on Broadway that houses all handicapped. [6] They have electric wheelchairs. They have [7] regular wheelchairs. They take those chairs [8]

and they go across the track downtown. [9] A lady just a while back got her [10] wheelchair stuck in the track and could not [11] get out until somebody came along. If the [12] train comes along at 50 miles per hour, she [13] won't have a chance. It happened to be [14] coming slow and somebody got her out in time. [15] That is really bad, because the wheelchairs [16] that are heavy, you cannot lift. Even if you [17] are there to help them, you can't get them [18] off the track because they are heavy.

[19] Also, my parents who are seniors [20] live on the other side of town. They had a [21] fire last year, and the fire department told [22] them if they had not gotten there under five

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[1] minutes, which is what they did, they would [2] have lost the whole house. But because they [3] could get there, the house was saved and they [4] were all right.

[5] We just don't need the coal train. [6] I don't want to see it ruin Wyoming. I don't [7] want to see it ruin Rochester. I don't want [8] to see it ruin the country, the farms. I [9] don't want the bypass. We don't need it. We [10] just don't need it. When the DEIS is 5,000 [11] pages and only 28 of them, you know, address [12] any of the problems, and then they are not [13] solved, you know, we really need an [14] extension, at least six months. I really [15] would like to see this train just stopped. [16] We do not need it. Thank you.

[17] **MR. SCOTT:** My name is Benjamin [18] Scott. I am affiliated with the Citizens [19] Against the Rochester Bypass. I own a farm [20] in Section 34 Salem Township here in [21] Olmsted County. My great grandfather [22] homesteaded the farm in the 1860s coming from

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[1] western New York with land patents purchased [2] during the administration of Abraham Lincoln.

[3] By profession I am a priest in the [4] Episcopal church. I have been a diocesan [5] staff member and represented for 10 years the [6] Episcopal Bishop and congregations all across [7] southern Minnesota. Among the tasks in my [8] ministry I have been one of the people sent [9] in to a congregation when there was a good [10] old fashioned church fight.

[11] I believe that there are many [12] parallels between that kind of experience in [13] a local congregation and the conflict which [14] has emerged between town and country over the [15] expansion of the DM&E railroad. There is a [16] good old fashioned fight between town

and [17] country going on, which has escalated far [18] beyond the issues of the railroad.

[19] Now, it makes good sense to me, I [20] believe we have a need, to have all the [21] people in Olmsted County encourage the [22] railroad to invest in the expansion of the

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[1] railroad industry and develop its services [2] for the prosperity of both town and country. [3] After all, the railroad passes through both [4] rural townships as well as the city and it [5] has contributed to the growth and development [6] of both town and country for 125 years.

[7] The railroad's prosperity will only [8] contribute to everyone's prosperity. The [9] railroad's decline diminishes both the city [10] and rural areas. It has been the railroad's [11] intentions since the beginning to make a [12] large capital investment all across Olmsted [13] County. We can encourage the DM&E to make [14] the best of their intentions and for us to [15] get the most out of its investment for [16] everyone in the county.

[17] So what's the fighting all about. [18] It only impedes the quality of life for [19] people in both town and country. It breaks [20] down the working relationships in our [21] political system and deters economic [22] development and change for all of us. This

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[1] fighting is really about power and control. [2] It has escalated far beyond the issues of the [3] railroad.

[4] In rural Olmsted County global [5] factors way beyond the control of local [6] agricultural businessmen and businesswomen [7] play upon the family farms. These struggling [8] farms in the small towns and small businesses [9] which are related to them have not brought to [10] rural Olmsted County the prosperity enjoyed [11] by its city neighbors.

[12] The international corporations [13] which are at home in Rochester, and there are [14] many of them, both large and small, that make [15] working and living there one of the most [16] desirable cities in the nation. But the [17] power and control factors which are evident [18] in the fighting between town and country now [19] have little to do with the railroad. The [20] fight is simply classic in the management of [21] escalating social life. Without intervention [22] it is likely to get worse. No one within.

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[1] Let the DM&E have its way.

[2] **MS. BACKUP:** I am Peggy Backup. I [3]

live in Wabasha County. I farm near Stockton [4] in Winona County. The DM&E runs along my [5] property, so I guess they are my neighbor. I [6] would like to speak about a number of issues [7] briefly. I am very sympathetic to the [8] farmers in Olmsted County who have spoken [9] here opposed to the bypass around Rochester. [10] However, I like to suggest to our farmers [11] here that they think about the ranchers in [12] Wyoming who are faced with not a 30 mile [13] bypass but almost 300 miles of new railroad [14] construction that will be going through their [15] homes and their ranches. I urge the local [16] farmers to join with the ranchers in Wyoming [17] in support of the no build alternative.

[18] Now, I would like to turn to issues [19] concerning the upper Mississippi River, which [20] have not been dealt with in the Draft EIS. [21] The STB ruled that the volume of coal to be [22] moved by barge is speculative at this time;

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[1] and, therefore, the barge loading facilities [2] could be removed from the scope and the EIS. [3] However, the DM&E in their Draft EIS have [4] also failed to include information about [5] where it plans to sell any coal at any time. [6] Therefore, the entire application to expand [7] the DM&E railroad is speculative and should [8] be dismissed by the STB until proof of actual [9] need is presented. That's by your own [10] reasoning.

[11] The alternative would be for both [12] the Corps of Engineers and the STB to deny [13] the current draft as incomplete and require [14] an amendment in which the DM&E specifies [15] where their markets are and includes issues [16] of access to the upper Mississippi River and [17] barges. These issues would include the [18] storage of coal, the loading and offloading [19] of coal, barge fleetings and all impacts to [20] wetlands in the Winona and Minnesota City [21] area, and dredging and so forth to the river [22] itself.

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[1] As a farmer whose land is bordered [2] by the DM&E, I could be basically driven out [3] of business by changes to the railroad [4] bridges and flooding, issues of eminent [5] domain, damage, herbicides used by the [6] railroad, lack of access to the tracks and [7] due to spraying now and also on the basis of [8] species they refuse to control that are [9] invading my land. All of these issues are [10] not in the current EIS. They need to be [11] addressed. Thank you.

[12] **MR. KETTERLING:** My name is Lloyd [13] Ketterling. I am a retired educator from the [14] Rochester school system. I was struck by a [15] comment that one of

the speakers made when he [16] was addressing you this afternoon, where he [17] said what an awesome decision and [18] responsibility you have. I would like to add [19] to that, an all prevailing decision that you [20] are facing in connection with this issue.

[21] Now, I am not going to spend time [22] going over many of the issues, the angles,

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[1] the arguments of the coal train, rural or [2] whatever, because you have heard I think just [3] about everything in many ways and very [4] eloquently by many of the speakers. But I [5] would like to express a feeling that I have [6] had and with the people that I have talked [7] with, a feeling of helplessness. A [8] feeling — though I have never myself dealt [9] with the process, a feeling that you probably [10] would have if you are going through the [11] process of eminent domain, a feeling of [12] helplessness. The DM&E gives us this feeling [13] by its take it or leave it atmosphere.

[14] Witness the report I read in the [15] paper, I think it was yesterday, about a city [16] where negotiations were declared at an [17] impasse with the DM&E. The DM&E then [18] commented that talks have ceased; therefore, [19] the DM&E would proceed according to their own [20] original plans. Sort of a high-handed take [21] it or leave it.

[22] I think it's accurate to say that

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[1] this whole thing is primarily a business [2] venture. The DM&E is in the business of [3] entering the competition, providing coal. We [4] have heard tonight that it is not a necessary [5] thing. There is one important factor here [6] that I would like to add. That is, that this [7] will invade the very lives of hundreds of [8] thousands of citizens on a daily basis [9] permanently. I would propose to the Board [10] that when you make this decision you do it in [11] the spirit of representing all of the [12] citizens involved and that you try to respect [13] their wishes.

[14] What if a vote were held in the [15] three states in the areas dealing with the [16] issue, what would the outcome of such a vote [17] be: Yes to the coal train or no to the coal [18] train? I am sure the answer would be a [19] resounding no. I feel certain that the [20] margin would be such that you would have no [21] need for a ballot recount.

[22] MR. GEBHARDT: I am William

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[1] Gebhardt. I am a member of the Minnesota [2] Corn Growers. I would like to thank the [3] Board for ruling that there is a necessity [4] for the upgrade of the

railroad. I have [5] three sons farming. I am retired. But they [6] still ship grain. You know the figures [7] better than I do, how many trucks it would [8] put on the highway if DM&E would be forced [9] out of business.

[10] Let them improve. We all improve [11] our equipment. We are not working with old [12] equipment. You don't use typewriters in your [13] office any more. When your car gets old, you [14] buy a new one. When our tractors get old, we [15] buy new tractors.

[16] Let the DM&E improve themselves so [17] they can compete in their business. New [18] trains will be quiet, safe and faster. Let [19] progress move forward. Give us a chance to [20] compete in the economy. We are at the low [21] end of the economy now. But the economy is [22] booming all over. But we can't — we

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[1] aren't — the farm community is not. They [2] don't share in this big boom.

[3] Let the DM&E improve its rail [4] system. What if these lights went out [5] tonight, there was no more electricity, who [6] would be complaining then. Somebody has [7] to — the electricity has to be produced some [8] way. I just urge you to let the DM&E rail [9] system be improved.

[10] MR. STREI: I didn't think I was [11] going to have to speak tonight. I thought I [12] could just carry this sign to the front and [13] maybe it would be self explanatory. But I [14] didn't know all the rules so I had to stay [15] outside. Thanks for letting me bring it down [16] here. I got out of line a few times.

[17] I just want to thank the Board. I [18] think they did a good job on the EIS report [19] and I think the commentary is plenty long. [20] In my dealing with our representatives I [21] found out that on this proposed bypass deal, [22] there was not going to be a hundred foot

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[1] right of way but a 250 foot right of way. [2] That other right of way was going to be for [3] the high speed rail between Chicago and [4] Minneapolis, which I think would be [5] beneficial to the community.

[6] But then I started looking at the [7] map. I see, go, what an excellent route to [8] take this right through Rochester, along with [9] the coal train, stop right in front of the [10] Mayo Clinic, which they are there, it would [11] bring a lot of business to them. It would [12] really be an advantage to them.

[13] Maybe I should explain my sign a [14] little more. I made a citizens group. I am [15] looking for joiners. I hope to get \$25,000 [16] from the city and \$25,000

from the county to [17] promote my efforts. I want to know when the [18] next meetings are so I can do this. Right [19] now it's nontax payer support. It's all my [20] effort in here tonight.

[21] Where am I at here. Oh, yeah. I [22] thought if they brought that high speed rail

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[1] through town, Gus Chafoulias would jump right [2] in with 135 million dollar building. He [3] would like the extra business it would bring. [4] Nordstrom's would come right to town right [5] away. [6] Oh, on this deal that we no longer [7] need coal. I thought well, the DM&E builds [8] us a brand new track and goes bankrupt in 10 [9] years, whoopee, we have got a nice brand new [10] rail train all the way through Minnesota and [11] South Dakota and Wyoming. I thought that's a [12] real benefit.

[13] Oh, on this subject of not being [14] able to get around in town. I understand [15] that the railroad already is going to build [16] two overpasses. So I don't see — I think if [17] you negotiate a little bit they will probably [18] build five. So instead of being able to get [19] around less, they will be able to get around [20] more. So to me that seems like a big [21] advantage.

[22] I was going to — I was hoping that

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[1] if the DM&E came through, maybe one day a [2] week we could have passenger service on that [3] train, and maybe make a gambling thing on [4] there. Senior citizens would love that. We [5] could take all our children out west. They [6] could see the wind farms out there, the new [7] energy sources. They could go to the Owah [8] (?) dam on the Missouri river. Another [9] excellent opportunity. I am not quite [10] finished here.

[11] Anyway, I thank you folks. You did [12] a good job.

[13] MS. BRIESE: Good evening. My name [14] is Catherine Briese. I live right here in [15] the City of Rochester. I would like to speak [16] against the upgrade of the DM&E through [17] Rochester. Also, I would not like to see the [18] upgrade or the bypass around Rochester. No [19] bypass.

[20] From listening here for the last [21] couple hours, it seems like the only people [22] or the majority of the people that have been

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[1] in favor of the train upgrade have been the [2] farmers. There have been a few that haven't [3] been farmers, but most of them have been [4] farmers. I do have a real concern about the [5] long-term

accessibility of the railroad to [6] the farmers. My understanding is as long as [7] the DM&E has the resources available to do [8] so, they must make themselves available to [9] provide this service for the farmers. [10] However, if the DM&E is able to fully utilize [11] their railroad company with coal business and [12] has no available cars or track time available [13] for the farmers, they absolutely are not [14] required to provide this service. The [15] farmers would be left high and dry with no [16] railroad service available and certainly [17] higher costs to truck their grain.

[18] I think it stands to reason that [19] income from hauling coal would be much more [20] lucrative than hauling grain, in that the [21] DM&E would be utilizing the entire length of [22] their track with no labor intensive switching

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[1] of cars along the way. In short, the DM&E [2] would make more money with less labor and [3] effort by hauling coal than by hauling grain.

[4] I also have a very real concern [5] about safety in our community. I do not [6] think at the present time that the warning [7] systems that the railroad has in use are [8] safe. I do not feel safe crossing the [9] railroad tracks at this time. There have [10] been a few instances where I have been [11] waiting for the train to cross the tracks, [12] the gates have been down, this is at the [13] Sixth Avenue Northwest railroad crossing, and [14] the gates have gone up after the train has [15] gone through, the gates have gone up to their [16] vertical position, the flashing red lights [17] have turned off, and I have seen cars go [18] across the tracks and then all of a sudden [19] the gate comes down. At one time it came [20] down right on top of a car. There was [21] absolutely no warning.

[22] If these trains would be going any

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[1] faster, a catastrophe is in the making. This [2] is why there is absolutely no way with the [3] history of the railroad in this town that we [4] can possibly have a safe community without [5] bypasses. Or not bypasses, underpasses and [6] overpasses.

[7] The railroad has let their tracks [8] deteriorate to this point. The heyday of the [9] railroad is way gone 40, 50 years ago, maybe [10] more. They have let their tracks [11] deteriorate. It's a different community now. [12] Vehicular traffic is way more. The [13] population is greatly increased. There is [14] absolutely no reason.

[15] If the railroad wants to build [16] underpasses and overpasses, that should be [17] their total financial responsibility.

Thank [18] you for listening.

[19] **MR. WALKER:** Thank you. My name is [20] Matthew Walker. I am representing myself. [21] Thank you for staying up late like this and [22] hearing our concerns. People over here have

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[1] talked quite strongly about not having the [2] bypass. I think you need to think about how [3] unmitigatable that would be. I am here to [4] really say that the impact on Rochester is [5] unmitigatable. If you add those up, I guess [6] that means no railroad.

[7] I am a physician. I am an [8] infectious disease specialist. I take care [9] of our leukemia and cancer patients and our [10] transplant patients. Now, a lot has been [11] said about Mayo. But I hope you do realize [12] that every year a million-and-a-half people [13] come here every year for the care of 300,000 [14] patients, the rest being families and [15] friends. The reason they fly over all of [16] those other cities on the way here is because [17] the care that's given here is unique.

[18] These are rare cancers, child [19] leukemias, congenital heart disease. People [20] fly from Europe, Asia for special procedures. [21] They often need to stay here for several [22] months during their recovery. If you were to

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[1] take the time to walk along the campus [2] between Mayo Clinic and Saint Marys, you [3] would see quite a number of residential [4] facilities that are specifically built for [5] patients who need to live here for months. [6] Including the Gift of Life Transplant House, [7] Hope Lodge for cancer patients and the Ronald [8] McDonald House for children and their [9] families.

[10] Now, we don't always cure these [11] patients, but we can extend their lives. For [12] many of these patients it's a matter of [13] months. So they end up spending a [14] significant part of their remainder of their [15] lives here in Rochester. In fact they [16] actually spend the end of their lives within [17] several hundred feet of that rail line. [18] These are people who have flown all over the [19] world here. This is their last hope.

[20] I hope you realize that this is a [21] historic decision you are making. They said [22] this is the biggest railroad project to ever

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[1] be proposed. You understand that Rochester [2] has a population, is the largest population [3] anywhere along the line. You also have on [4] top of that, the fact this is a unique [5] medical institution. It is truly one of the [6] wonders of the world. It's one of the [7]

wonders of the world. You in your decision [8] will significantly impact on that. Possibly [9] destroy it. It wouldn't be here 30 years [10] from now in its current form. That decision [11] is yours to make.

[12] **MS. BERNATZ:** My name is Corrine [13] Bernatz, and I am a very concerned citizen. [14] I hope that the STB committee has physically [15] gone and seen where the railroad track goes [16] through our town, and so you know how close [17] it is, physically close to our two hospitals, [18] to Charter House, which is a retirement [19] community, and to the many hotels in this [20] town, and to the Mayo Clinic and to the [21] research buildings, et cetera.

[22] I also in some way object to the

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[1] fact that it's called a coal train, because [2] many times it will be hauling toxic [3] substances also. We also learned that the [4] DM&E is the most unsafe railroad for its size [5] of any. If I remember correctly, within the [6] last year where there have been two [7] derailments.

[8] I have been a nurse for several [9] years. Now retired. But if there were a [10] derailment through our town, it would just be [11] a tragedy. There would be absolutely no way [12] we could evacuate the ill patients that are [13] in the hospitals and the infirmed patients [14] that are at the clinic in the office [15] buildings and many infirmed elderly people [16] who are in the hotels downtown and going from [17] appointments, et cetera.

[18] The track also goes by the hotels, [19] by the schools and it's close to the Federal [20] Medical Center, which is a federal prison. [21] One does not evacuate prisoners anywhere. So [22] I think it's imperative that Rochester does

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[1] not have a train that is a coal train and [2] will also carry toxic substances through its [3] town 37 or more times a day.

[4] **MR. GARDINER:** That concludes my [5] list of people who have not spoken at [6] previous meetings. I have a half dozen [7] people on my list of people who have spoken [8] at previous meetings. Before I do that list, [9] is there anybody who has not signed up who [10] had not spoken at previous meetings who feels [11] moved to provide some comments? One [12] gentleman in the back.

[13] **MR. QUIRK:** Okay. One of the last [14] things I want to address here tonight was in [15] the mitigation Section of the DEIS, [16] pertaining to the residential areas. We had [17] one little Section about yea big, four little [18] paragraphs, that essentially dealt with the [19] construction of this project. There was [20] absolutely noth-

ing of any type of mitigation [21] that dealt with residential neighborhoods [22] once this project is fully operational.

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[1] Of course, earlier you stated that [2] you were looking to us to provide some [3] mitigation measures. What's upsetting about [4] that is that that's technically not my job. [5] That's your job. What you are doing is you [6] turn around and you ask me, my neighbors to [7] decide what mitigation measures there are [8] going to be. We are not experts on the train [9] industry. We are not mechanical engineers or [10] civil engineers. So it's going to be very [11] difficult for us to give viable options for [12] mitigation to your Board. That's what we [13] were looking to you for direction for.

[14] But I told other people here, since [15] the DM&E Railroad has not provided any type [16] of mitigation towards our neighborhood, that [17] I will give a stab at it. So I am going to [18] start throwing out proposal to you to [19] mitigate problems in the City of Rochester. [20] One of the first problems that we have is we [21] talked about our large medical community, [22] elderly people living close to the tracks,

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[1] and what happens if there happens to be a [2] toxic spill.

[3] So the first proposal I am going to [4] give to you is that the DM&E should be [5] required to provide an evacuation plan for [6] the medical community and for our elderly [7] community that live near by the tracks. This [8] plan should be approved by Mayo Clinic and [9] the city and it should also be approved by [10] FEMA. In that plan I believe the DM&E should [11] be responsible to maintain equipment in the [12] City of Rochester to help evacuate people [13] from the area.

[14] Also, I believe that this plan [15] should be tested during the first few years [16] of its operation and after that maybe we can [17] stretch it out every couple years. Every [18] five years the plan should be once again [19] reviewed by both the city, the DM&E, Mayo [20] Clinic and FEMA.

[21] Now, as far as mitigation in our [22] residential neighborhoods. Now, the major

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[1] problem we are going to have is going to be [2] noise. So what I am suggesting is that the [3] DM&E go in and start purchasing homes that [4] are nearby the railroad. Once we have [5] eliminated some of the homes that are, say, [6] within a couple hundred feet of the railroad, [7] we are able to build sound berms to help [8] reduce the sound, the noise problem within [9] the neighborhood.

[10] Finally, any homes still within the [11] area that might exceed this 65 decibel level [12] of noise, I would say we probably want to [13] reduce that a little bit more just to qualify [14] it a little bit better. But if you notice up [15] in the Twin Cities near the airport we [16] require the airport to provide sound [17] deadening construction in the homes in that [18] area.

[19] I suggest that at the same time [20] that the DM&E should be required that all [21] homes in the area that the decibel is [22] exceeded that they provide some sound

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[1] reducing construction within those homes.

[2] I will provide more for you later.

[3] **MR. GARDINER:** So I think this is a [4] good time to conclude. Again, I would [5] encourage you, if you have statements with [6] you, please leave them with us, and please do [7] provide us with written comments by the [8] January 5th deadline. Thanks very much for [9] coming.

[10] (Whereupon, at 11:00 p.m., the [11] PROCEEDINGS were adjourned.)

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